

**COUNTY OF SAN LUIS OBISPO**

---

**BUILDING AND CONSTRUCTION  
ORDINANCE**

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TITLE 19 OF THE SAN LUIS OBISPO COUNTY CODE

[Table of Contents](#)

ADOPTED BY  
THE SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS  
October 14, 1986 - Ordinance No. 2275

***Revised June 23, 2006***

# COUNTY OF SAN LUIS OBISPO

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# TABLE OF CONTENTS

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## CHAPTER 19.01: ENACTMENT, ADMINISTRATION & ENFORCEMENT

<u>Sections:</u>	<u>Page</u>
19.01.010 Title and Purpose: . . . . .	1-1
19.01.020 Scope and Applicability: . . . . .	1-2
19.01.030 Permits Required . . . . .	1-2
19.01.040 Fees Required. . . . .	1-2
19.01.050 Construction by Owner. . . . .	1-2
19.01.080 Definitions and Abbreviations. . . . .	1-3
19.01.100 Administration. . . . .	1-5
19.01.102 Uniform Administrative Code Adopted. . . . .	1-6
19.01.104 Conflicting Provisions. . . . .	1-6
19.01.120 Official Codes Filed: . . . . .	1-6
19.01.130 Board of Appeals. . . . .	1-7
19.01.140 Appeal Procedure. . . . .	1-8
19.01.200 Enforcement. . . . .	1-9
19.01.220 Penalty for Violation. . . . .	1-9
19.01.230 Stop Work Orders. . . . .	1-9
19.01.300 Liability. . . . .	1-10

## CHAPTER 19.04: CONSTRUCTION PERMIT REQUIREMENTS

<u>Sections:</u>	<u>Page</u>
19.04.010 Applicability of Chapter. . . . .	4-1
19.04.020 Permits Required: . . . . .	4-1
19.04.022 Exempted Work. . . . .	4-2
19.04.030 Permit Application and Processing: . . . . .	4-3
19.04.032 Permit Issuance. . . . .	4-4
19.04.033 Application Expiration and Extension: . . . . .	4-5
19.04.034 Permit Expiration and Extension: . . . . .	4-5
19.04.035 Fee Refunds. . . . .	4-7
19.04.040 Requirements for Final Inspection. . . . .	4-7
19.04.042 Occupancy or Use of Incomplete Structure. . . . .	4-7

## CHAPTER 19.10: BUILDING PROHIBITION AREAS

<b><u>Sections:</u></b>	<b><u>Page</u></b>
19.10.030 Temporary Building Halt Within the Community of Baywood Park and Los Osos and Adjoining Areas. ....	10-1
19.10.031 Duration of Moratorium. ....	10-1
19.10.032 Exceptions: ....	10-1

## CHAPTER 19.20: CONSTRUCTION STANDARDS

<b><u>Sections:</u></b>	<b><u>Page</u></b>
19.20.002 Purpose and Scope. ....	20-2
19.20.004 State Regulations for Residential Construction. ....	20-2
19.20.010 Building Code. ....	20-3
19.20.012 Uniform Building Code Adopted. ....	20-3
19.20.014 Cargo Containers. ....	20-3
19.20.016 Covered Sidewalks. ....	20-4
19.20.019 Fire-Extinguishing and Fire Alarm Systems Required. ....	20-5
19.20.021 Noise Mitigation Measures ....	20-5
19.20.024 Portable Aircraft Hangers. ....	20-6
19.20.026 Prohibited Structures. ....	20-6
19.20.028 Roof Coverings. ....	20-7
19.20.030 Demolition of Historic Structures. ....	20-7
19.20.032 Woodburning Appliances ....	20-7
19.20.035 Discovery of Archeological Resources: ....	20-7
19.20.040 Drainage Regulations. ....	20-8
19.20.050 Electrical Code. ....	20-8
19.20.051 National Electrical Code Adopted. ....	20-8
19.20.054 Dangerous Electrical Equipment. ....	20-8
19.20.056 Maintenance Electricians. ....	20-9
19.20.058 Outdoor Lighting Fixtures. ....	20-10
19.20.070 Underground Utilities ....	20-10
19.20.090 Grading, Sedimentation and Erosion Control. ....	20-10
19.20.120 Marine Docks and Structures. ....	20-10
19.20.122 Alternate Standards. ....	20-10
19.20.124 Definitions: ....	20-11
19.20.126 Permits Required: ....	20-11
19.20.128 Safety Requirements: ....	20-11
19.20.130 Sanitary Requirements: ....	20-12
19.20.132 Floating Dock Construction Requirements: ....	20-12
19.20.134 Floating Dock Construction Materials: ....	20-14
19.20.136 Flotation Design Criteria: ....	20-14
19.20.138 Gangway Design: ....	20-15
19.20.150 Mechanical Code - Uniform Mechanical Code Adopted: ....	20-15
19.20.200 Plumbing Code. ....	20-15
19.20.210 Uniform Plumbing Code Adopted. ....	20-16

<b><u>Sections:</u></b>	<b><u>Page</u></b>
19.20.214	Definitions: . . . . . 20-16
19.20.216	Liquefied Petroleum Gas Systems. . . . . 20-17
19.20.220	Sewage Disposal Systems. . . . . 20-17
19.20.222	Private Sewage Disposal Systems. . . . . 20-17
19.20.224	Community Sewage Disposal Systems. . . . . 20-22
19.20.230	Water Supply. . . . . 20-23
19.20.232	Uniform Plumbing Code Amended. . . . . 20-23
19.20.234	Cross-Connections Control. . . . . 20-23
19.20.236	Minimum Water Supply - Single-Family Dwellings: . . . . . 20-24
19.20.238	Verification of Water Supply Required. . . . . 20-25
19.20.240	Water Conservation Provisions. . . . . 20-25
19.20.250	Sign Construction. . . . . 20-26
19.20.360	Solar Energy Apparatus. . . . . 20-26
19.20.380	Swimming Pool and Hot Tub Requirements. . . . . 20-26

## **CHAPTER 19.40: HOUSING CODE**

<b><u>Sections:</u></b>	<b><u>Page</u></b>
19.40.010	Uniform Housing Code Adopted: . . . . . 40-1
19.40.020	Prohibited Structures. . . . . 40-1
19.40.030	Housing Abatement. . . . . 40-1

## **CHAPTER 19.45: INTERIM SCHOOL FACILITIES**

<b><u>Sections:</u></b>	<b><u>Page</u></b>
19.45.010	Title. . . . . 45-1
19.45.020	Purpose. . . . . 45-1
19.45.030	Authority and Conflict. . . . . 45-2
19.45.040	Consistency with General Plan Required. . . . . 45-2
19.45.050	Regulations. . . . . 45-2
19.45.060	Definitions. . . . . 45-2
19.45.070	Notification of Conditions of Overcrowding. . . . . 45-4
19.45.080	Content of Findings and Application Materials. . . . . 45-4
19.45.090	Board of Supervisors' Public Hearing on Overcrowding. . . . . 45-5
19.45.110	Dedication of Land or Payment of Fees by Developers. . . . . 45-6
19.45.120	Processing of Application. . . . . 45-7
19.45.130	Use of Land and Fees. . . . . 45-9
19.45.140	Exemptions. . . . . 45-9
19.45.150	Fee and/or Land Payment. . . . . 45-10

<b><u>Sections:</u></b>	<b><u>Page</u></b>
19.45.155	Coordination with Other Fees. . . . . 45-11
19.45.160	Refunds of Paid Fees. . . . . 45-11
19.45.170	Termination. . . . . 45-11
19.45.180	Accounting and Annual Report. . . . . 45-12
19.45.190	Planning Director to Interpret Standards and Ascertain Requirements. . . . . 45-12

## **CHAPTER 19.60: MOBILEHOME INSTALLATION**

<b><u>Sections:</u></b>	<b><u>Page</u></b>
19.60.010	Purpose. . . . . 60-1
19.60.020	Definition of Terms. . . . . 60-1
19.60.030	Compliance with Land Use Standards Required. . . . . 60-1
19.60.040	Permit Required. . . . . 60-2
19.60.050	Limitation on Type of Mobilehomes Allowed. . . . . 60-3
19.60.060	Utilities. . . . . 60-3
19.60.070	Manufacturer's Installation Instructions. . . . . 60-3
19.60.080	Installation Standards. . . . . 60-3
19.60.090	Conversion to a Permanent Structure. . . . . 60-4
19.60.100	Abatement of Illegal and Substandard Mobilehomes: . . . . . 60-4

## **CHAPTER 19.65: MOVED BUILDINGS**

<b><u>Sections:</u></b>	<b><u>Page</u></b>
19.65.005	Technical Code Compliance. . . . . 65-1
19.65.010	Permit Required. . . . . 65-1
19.65.012	Relocation on the Same Site. . . . . 65-1
19.65.014	Structures Restricted from Permits. . . . . 65-2
19.65.016	Application and Preliminary Inspection: . . . . . 65-2
19.65.018	Posting of Property. . . . . 65-3
19.65.020	Referral to Board of Construction Appeals. . . . . 65-4
19.65.022	Permit Issuance: . . . . . 65-5
19.65.024	Completion of Work. . . . . 65-5

## **CHAPTER 19.80: SUBSTANDARD & DANGEROUS BUILDINGS**

<b><u>Sections:</u></b>	<b><u>Page</u></b>
19.80.010	Adoption of Uniform Code for the Abatement of Dangerous Buildings . . . . . 80-1
19.80.020	Dangerous Buildings Defined . . . . . 80-1
19.80.030	Dangerous Buildings Declared Public Nuisances: . . . . . 80-2
19.80.040	Abatement Procedures. . . . . 80-2

<b><u>Sections:</u></b>	<b><u>Page</u></b>
19.80.050      Emergency Procedure: .....	80-2
19.80.060      Abatement Notices - Dangerous Buildings Code Amended: .....	80-2
19.80.070      Abatement by the County. ....	80-4
19.80.080      Service of Decision by Board of Construction Appeals: .....	80-5
19.80.090      Cost of County Service. ....	80-5
19.80.100      Interference Prohibited: .....	80-7

## **CHAPTER 19.90:      UNREINFORCED MASONRY BUILDINGS**

<b><u>Sections:</u></b>	<b><u>Page</u></b>
19.90.010      Uniform Code for Building Conservation Adopted. ....	90-1
19.90.020      Seismic Zone. ....	90-1
19.90.030      Administrative Provisions. ....	90-1

**COUNTY OF SAN LUIS OBISPO**  
**BUILDING AND CONSTRUCTION ORDINANCE**

Adopted October 14, 1986, Ordinance 2275

Amended

November 25, 1986	Ordinance No. 2285
April 14, 1987	Ordinance No. 2302
July 28, 1987	Ordinance No. 2315
April 19, 1988	Ordinance No. 2351
December 5, 1989	Ordinance No. 2433
January 16, 1990	Ordinance No. 2440
November 6, 1990	Ordinance No. 2481
April 14, 1992	Ordinance No. 2543
October 13, 1992	Ordinance No. 2576
March 9, 1993	Ordinance No. 2606
June 3, 2003	Ordinance No. 3004
December 9, 2003	Ordinance No. 3020
June 14, 2005	Ordinance No. 3067
May 23, 2006	Ordinance No. 2089



**CHAPTER 1:     ENACTMENT, ADMINISTRATION &  
                         ENFORCEMENT**

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<b><u>Sections:</u></b>	<b><u>Page:</u></b>
19.01.010 - Title and Purpose .....	1-1
19.01.020 - Scope and Applicability .....	1-2
19.01.030 - Permits Required .....	1-2
19.01.040 - Fees Required .....	1-2
19.01.050 - Construction by Owner .....	1-2
19.01.080 - Definitions and Abbreviations .....	1-3
19.01.100 - Administration .....	1-5
19.01.102 - Uniform Administrative Code Adopted .....	1-6
19.01.104 - Conflicting Provisions .....	1-6
19.01.120 - Official Codes Filed .....	1-6
19.01.130 - Board of Appeals .....	1-7
19.01.140 - Appeal Procedure .....	1-8
19.01.200 - Enforcement .....	1-9
19.01.220 - Penalty for Violation .....	1-9
19.01.230 - Stop Work Orders .....	1-9
19.01.300 - Liability .....	1-10

**19.01.010 - Title and Purpose:**

- a.     This title shall be known and may be cited as "The Building and Construction Ordinance of the County of San Luis Obispo", Title 19 of the San Luis Obispo County Code.
  
- b.     These regulations are hereby established and adopted to protect and promote the public health, safety and welfare. The intent of this ordinance is to regulate the design and construction of buildings and structures through basic standards for site preparation, construction activities, quality of materials, occupancy classifications, the location and maintenance of buildings and structures and certain equipment associated with buildings and structures. This title prescribes regulations and standards that are consistent with the State Housing Law of California.

## 19.01.020 - 050

**19.01.020 - Scope and Applicability:** The provisions of this title apply to all or any part of buildings, structures and building service equipment constructed, altered, moved, occupied, used, designed or intended to be used within the unincorporated areas of San Luis Obispo County, except as otherwise provided by this title, state or federal law.

- a. **Existing Uses.** The legal use and occupancy of any structure lawfully established on the effective date of this title or any following amendment shall be subject to this title as may be deemed necessary by the building official for the general safety and welfare of the occupants and the public.
- b. **Change in Use.** It is unlawful to change the use or occupancy of any structure in any way that would subject it to the provisions of this title without the property owner first obtaining the approval of a permit as required by Section 19.04.020 et seq. and certification by the building official that the structure meets the intent of the provisions this title and that the change does not create any increased hazard to public health, safety or welfare.

**19.01.030 - Permits Required.** It shall be unlawful and a violation of this code for any person to engage in any construction activity, including but not limited to grading and site work, or any construction, alteration, use or occupancy of structures without first obtaining all construction permits required by Chapter 19.04 of this title (Construction Permit Requirements), Chapter 22.52 of the Land Use Ordinance (Title 22 of this code), or where applicable, Chapter 23.05 of the Coastal Zone Land Use Ordinance (Title 23 of this code). [Amended 2005, Ord. 3067]

**19.01.040 - Fees Required.** Any person applying for a permit under this title shall pay the applicable filing, plan check, permit or other fee to the Department of Planning and Building as required by the county fee ordinance, at the time of application filing or other time determined by the building official. [Amended 1989, Ord. 2433]

**19.01.050 - Construction by Owner.** Nothing in this title shall be construed as prohibiting individuals from doing construction work on property in their ownership; nor from employing any person to work on their property, provided that any work performed satisfies all applicable provisions of this title and the Land Use Ordinance. Property owners should also be advised that any employment arrangements they make for such construction may be subject to provisions of state and federal law.

**19.01.080 - Definitions and Abbreviations.** Whenever any names, terms, abbreviations, phrases and their derivatives are defined elsewhere in this code and are not defined in this section, those definitions shall apply to this title. All definitions contained in the administrative and technical codes adopted in this title, the California Health and Safety Code and California Administrative Code shall apply throughout this title except as defined by this section:

- a. **Administrative Authority** means the building official.
- b. **Accessory Building** means a building or structure the use of which is incidental to that of the main building, and which is located on the same lot.
- c. **Board of Supervisors** means the Board of Supervisors of the County of San Luis Obispo.
- d. **Building Division** means the Building and Safety Division of the Department of Planning and Building of the County of San Luis Obispo.
- e. **Building Official** means the director of planning and building of the County of San Luis Obispo or his/her duly designated deputy.
- f. **Carport** means an accessory structure or portion of a structure, having a roof and being open on two or more sides, designed or intended for use as a shelter for a vehicle or motor vehicle.
- g. **Chief Electrical Inspector** means the chief building official.
- h. **City** means the county of San Luis Obispo or the unincorporated area of the county of San Luis Obispo, as the text may require.
- i. **City Council** means the Board of Supervisors of the County of San Luis Obispo.
- j. **Coastal Zone** means lands identified on the official maps (Part III) of the Land Use Element of the San Luis Obispo County General Plan as being located within the Local Coastal Plan (LCP) combining designation, the portions of the California Coastal Zone within San Luis Obispo County established by the California Coastal Act of 1976.
- k. **Code Enforcement Agency**, as well as enforcement agency and enforcing agency, means the San Luis Obispo County Department of Planning and Building.
- l. **Construction Permit** means a building, plumbing, electrical, mechanical or grading permit as required by this title, Title 22 or Title 23 of this code.
- m. **County Clerk** means the County Clerk of the County of San Luis Obispo.
- n. **Covered Sidewalk** means a permanent covering attached to a building and projecting from the property line toward the curblin, over a public sidewalk or public walkway.
- o. **Director of Public Works** means the County Engineer of San Luis Obispo County.

19-01-080 - 100

- p. **Health Department** means the Environmental Health Division of the San Luis Obispo County Health Agency.
- q. **Kitchen** means any room or portion of a room used, or intended or designed to be used primarily for cooking or preparing food.
- r. **Land Use Ordinance** means, for the purposes of this title only, either the San Luis Obispo County Land Use Ordinance, Title 22 of this code or, where applicable, the Coastal Zone Land Use Ordinance, Title 23 of this code.
- s. **Legislative Body** means the Board of Supervisors of the County of San Luis Obispo.
- t. **Planning Department** means the Department of Planning and Building of the County of San Luis Obispo.
- u. **Planning Director** means the director of planning and building of the County of San Luis Obispo.
- v. **Technical Codes** means the Uniform Building Code, Uniform Plumbing Code, Uniform Mechanical Code, National Electrical Code, Uniform Solar Energy Code, Uniform Swimming Pool, Spa and Hot Tub Code, Uniform Housing Code, Uniform Sign Code, the Uniform Code for the Abatement of Dangerous Buildings or any other document containing standards and/or specifications for construction adopted by reference as part of this title, Title 22 or Title 23 of this code.
- w. **Urban Area** is any area within the urban or village reserve lines established by the Land Use Element of the San Luis Obispo County General Plan.
- x. **Zoning Ordinance** means the San Luis Obispo County Land Use Ordinance, Title 22 of this code, or where applicable, the Coastal Zone Land Use Ordinance, Title 23 of this code.

[Amended 1989, Ord. 2433]

**19.01.100 - Administration.** This title shall be administered by the building official of San Luis Obispo County. The duties of the building official under this title include but are not limited to the following functions, which may be performed by Department of Planning and Building employees under the supervision of the building official:

- a. Receive and review plans and specifications for proposed projects, and certify that such projects are in conformity with all applicable provisions of this title prior to issuance of any construction permit.
- b. Conduct site and building inspections to evaluate the compliance of projects requiring construction permits with the applicable provisions of this title and the Land Use Ordinance.

- c. Enforce the provisions of this title, and work with other designated officers in the enforcement of applicable provisions of the Land Use Ordinance, pursuant to the provisions of Chapters 22.10 or 23.10 of this code, this title, the technical codes and California State Law. The building official is designated as the county enforcement officer referred to in the California Health and Safety Code.
- d. The Building Official may allow modifications of the provisions of this title for individual cases, provided that he shall first find that a special individual reason makes the strict interpretation of this title impractical and that the modification conforms with the intent and purpose of this title and that such modification does not reduce the level of safety provided by the minimum standards set forth in this title and in the technical codes.

[Amended 1989, Ord. 2433; 1990, Ord. 2481; 2005, Ord. 3067]

**19.01.102 - Uniform Administrative Code Adopted.** The body of building department administrative regulations published by the International Conference of Building Officials which is entitled the "Uniform Administrative Code" 1997 and subsequent editions, is hereby adopted and incorporated into this title by reference as though it were fully set forth herein, except as otherwise noted in this title. For the purposes of this title, the provisions of the Uniform Administrative Code supersede and replace Chapters 1, 2 and 3 of the Uniform Building Code, Uniform Mechanical Code and Part I of the Uniform Plumbing Code; except that Sections 101, 102 and 103 of the Uniform Building Code and Uniform Mechanical Code and Sections 101, 102, and 103 of the Uniform Plumbing Code are not superseded or replaced.

[Amended 1992, Ord. 2576; 2005, Ord. 3067]

**19.01.104 - Conflicting Provisions.** The following provisions supersede and replace Section 104 of the Uniform Administrative Code:

- a. In the event of any conflict between the provisions of this title, and the Uniform Administrative Code or any of the technical codes adopted by reference in Chapters 19.20, 19.40 or 19.80 of this title, this title shall prevail to the extent allowed by law.
- b. Where conflicts occur between the technical codes adopted by reference as part of Chapters 19.20, 19.40 or 19.80 of this title, those provisions providing the greater safety to life shall govern. In other conflicts where sanitation, life safety or fire safety are not involved, the most restrictive provisions shall govern.
- c. Where in any specific case different sections within any of the technical codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

[Amended 2005, Ord. 3067]

## 19.01.120 - 130

### 19.01.120 - Official Codes Filed:

- a. Not less than one certified copy each of the administrative and technical codes adopted by reference herein shall be filed and kept for public inspection in the offices of the county clerk/recorder.
- b. As required by California Government Code Section 50022.6, The office of the county clerk/recorder shall at all times maintain a reasonable supply of copies of all such codes available for purchase by the public at cost.

**19.01.130 - Board of Appeals.** Section 204 of the Uniform Administrative Code is hereby superseded and replaced as follows:

- a. **Board of Construction Appeals established.** In order to determine the suitability of alternate materials and methods of construction, to provide for reasonable interpretations of this title and to conduct hearings pursuant to Chapter 19.80 of this title, there is hereby established the San Luis Obispo County Board of Construction Appeals. The Board of Construction Appeals shall be appointed by the Board of Supervisors and shall hold office at the pleasure of the Board of Supervisors. The members shall be reimbursed for reasonable expenses as provided by Board of Supervisors policy.
  - (1) **Membership:** The Board of Construction Appeals shall consist of members who are qualified by experience and training to review and reach decisions on matters pertaining to building construction and building service equipment. The board shall include seven regular members, consisting of one public member and the following individuals, licensed, registered or certified, as applicable, by the state of California: one architect, one building contractor, one mechanical contractor, one electrical contractor, one plumbing contractor and one structural engineer. The building official shall be an ex officio member and shall act as secretary of the board.
  - (2) **Responsibilities and authority.** The Board of Construction Appeals shall function as the "local appeals board" and the "housing appeals board" specified in Sections 17920.5 and 17920.6, respectively, of Division 13, Part 1.5 of the California Health and Safety Code. The board shall adopt reasonable rules and regulations for conducting its investigations and deliberations. The authority of the board shall consist of the ability to consider appeals filed pursuant to Section 19.01.140 of this title and make reasonable interpretations of this title and the technical codes, as well as the suitability of alternate materials and methods of construction, and to conduct hearings on unsafe buildings pursuant to the Uniform Code for the Abatement of Dangerous Buildings adopted by reference in Chapter 19.80 of this title. All decisions of the board shall be rendered in writing.
- b. **Appeals Board for Handicapped Access established.** For the purpose of considering appeals to the standards of Title 24 of the California Code of Regulations or the technical codes adopted by this title regarding accommodations for the physically handicapped, there is hereby established the San Luis Obispo County Appeals Board for Handicapped Access. The Appeals Board for Handicapped Access shall be appointed by the Board of Supervisors and shall hold office at the pleasure of the Board of Supervisors. The members shall be reimbursed for reasonable expenses as provided by Board of Supervisors policy.

- (1) **Membership.** The Appeals Board for Handicapped Access shall consist of five members, including two members who shall be physically handicapped as defined in Section 2-417, Title 24, Part 2 of the California Code of Regulations, as well as the public member, the architect and building contractor who have also been appointed as members of the Board of Construction Appeals pursuant to subsection a. of this section. The building official shall be an ex officio member and shall act as secretary of the board.
- (2) **Responsibilities and authority.** The Appeals Board for Handicapped Access shall serve as the "local appeals board" specified in Section 19957.5 of the California Health and Safety Code in appeals relating to accommodations for the physically handicapped. The board shall adopt reasonable rules and regulations for conducting its investigations and deliberations. The authority of the board shall consist of the ability to consider appeals filed pursuant to Section 19.01.140 of this title relating to requirements for handicapped access and authorize reasonable alternatives to handicapped access requirements imposed by Title 24 of the California Code of Regulations. All decisions of the board shall be rendered in writing.

[Amended 1988, Ord. 2351; 1989, Ord. 2433]

**19.01.140 - Appeal Procedure.** Decisions of the building official pursuant to this title, may be appealed by any applicant to the San Luis Obispo County Board of Construction Appeals as provided by this section; except that any appeal of an action performed pursuant to Chapter 19.80 of this title shall be filed and processed as set forth in Chapters 5 and 6 of the Uniform Code for the Abatement of Dangerous Buildings, adopted by reference as part of Chapter 19.80 of this title. Decisions and actions of the Building Official regarding the enforcement of the requirements of Division 13, Part 5.5 of the California Health and Safety Code may be appealed by any person to the Appeals Board for Handicapped Access as provided by this section.

- a. **Timing and form of appeal.** An appeal shall be written and filed with the secretary of the Board of Construction Appeals, or Appeals Board for Handicapped Access (as applicable) within 30 days of the decision that is the subject of the appeal. The appeal shall use the form provided by the building official in addition to any other supporting materials the appellant may wish to furnish, setting forth the reasons for the appeal.
- b. **Hearing and decision.** The secretary shall set the time and place for a hearing on the appeal by the board, and shall provide the applicant with notice of the time and place of the hearing by mailing such notice, postage prepaid, to the address provided by the applicant in the letter of appeal, at least 10 days before the hearing date. The decision of the Board of Construction Appeals or the Appeals Board for Handicapped Access (as applicable) shall be final.

[Amended 1989, Ord. 2433]

## 19.01.200 - 300

**19.01.200 - Enforcement.** At the discretion of the building official, the enforcement of the provisions of this title shall be accomplished through either:

- a. The Land Use Ordinance and Coastal Zone Land Use Ordinance, where applicable); or
- b. Chapter 19.80 of this title (Unsafe Buildings); or
- c. Any other remedy allowed by law, including but not limited to equitable relief.

[Amended 2005, Ord. 3067]

**19.01.220 - Penalty for Violation.** It is unlawful for any person to erect, construct, enlarge, alter, repair, move, use, occupy or maintain any building, structure, equipment, or portion thereof in the county of San Luis Obispo or cause the same to be done contrary to or in violation of any provision of this title or any provisions of the codes, rules or regulations adopted in this title. No person shall violate any of the provisions, or fail to comply with any of the requirements of this title, Title 22 or Title 23 of this code. The penalties for violation of the provisions of this title shall be as set forth in Section 22.10.022 of this code. [Amended 1988, Ord. 2351; 1989, Ord. 2433]

**19.01.230 - Stop Work Orders.** Whenever any work is being done contrary to any applicable provision of this title, the technical codes adopted by reference as part of this title, or the provisions of Title 22 or Title 23 of this code, the building official may order the work stopped by either notice in writing served on any persons engaged in the doing or causing such work to be done, or by posting on the site. Such work shall forthwith be stopped until authorized by the building official to proceed. This section shall supersede and replace Section 202.4 of the Uniform Administrative Code.

[Added 1989, Ord. 2433; Amended 2005, Ord. 3067]

## 19.01.300 - Liability.

- a. Nothing in this title shall be construed as imposing upon the county or any of its officers, employees or agents, any liability or responsibility for injury or damage resulting from work approved or performed under any construction permit issued, or inspection conducted under this title.
- b. No person shall be relieved from the responsibility to comply with the requirements of this title because of an error or omission by an officer, employee or agent of the county.



## CHAPTER 4: CONSTRUCTION PERMIT REQUIREMENTS

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<b><u>Sections:</u></b>	<b><u>Page:</u></b>
19.04.010 - Applicability of Chapter .....	4-1
19.04.020 - Permits Required .....	4-1
19.04.022 - Exempted Work .....	4-2
19.04.030 - Permit Application and Processing .....	4-3
19.04.032 - Permit Issuance .....	4-4
19.04.033 - Application Expiration and Extension .....	4-5
19.04.034 - Permit Expiration and Extension .....	4-5
19.04.035 - Fee Refunds .....	4-7
19.04.040 - Requirements for Final Inspection .....	4-7
19.04.042 - Occupancy or Use of Incomplete Structure .....	4-7

**19.04.010 - Applicability of Chapter.** The purpose of this chapter is to establish permit requirements for construction activities within the unincorporated areas of the county, as well as procedures for the processing, issuance and expiration of such permit applications, to the extent that the requirements of this title supersede similar or conflicting provisions contained in the Uniform Administrative Code.

**19.04.020 - Permits Required:** Except as otherwise provided by Section 301.2.1 of the Uniform Administrative Code, this section, or Section 19.04.022, no person shall do any of the following without first obtaining a permit from the Department of Planning and Building authorizing such work for each building, structure or property affected.

- a. Erect, construct, enlarge, alter, repair, move, remove, demolish, change the occupancy classification of any building or structure;
- b. Install, or alter electrical wiring, devices or equipment;
- c. Install, remove, alter or replace any plumbing, gas or drainage piping, or any fixture or water heating or treating equipment;
- d. Install, alter or reconstruct any heating, ventilating, comfort cooling, refrigeration or other mechanical equipment;

#### **19.04.020 - 022**

- e. Excavate, fill or perform any other grading within the unincorporated areas of the county, except grading which is determined to be exempt from grading requirements by the Land Use Ordinance, Title 22 of this code, the Coastal Zone Land Use Ordinance, Title 23 of this code;
- f. Perform any site work that may affect the velocity, direction or volume of natural or other existing surface water drainage patterns from the site onto adjoining properties.

[Amended 1988, Ord. 2351; 1989, Ord. 2433; 2005, Ord. 3067]

**19.04.022 - Exempted Work.** In addition to work exempted from building permit requirements by Section 301.2.1 of the Uniform Administrative Code, the following work shall not require approval of a building permit by the county, provided that nothing in this section shall be construed as exempting land uses and activities on real property from the necessity of obtaining a business license, land use permit, sign permit, grading permit, plumbing, electrical or mechanical permits, or other permit if required by this title, Titles 22, 23 or other title of this code; nor shall any building or structure be exempt from the construction requirements of the applicable technical codes:

**a. Agricultural accessory buildings.** Agricultural accessory buildings as defined in Section 402 of the Uniform Building Code, that meet all of the following criteria:

- (1) Within an Agriculture or Rural Lands land use category, located outside of urban or village reserve lines as delineated by Titles 22 or 23 of this code;
- (2) Property size of 20 acres or more;
- (3) Building location in excess of 100 feet from any adjacent property or public road;
- (4) Building floor area does not exceed 3,000 square feet and building height not over one story, plus storage loft;
- (5) There is an apparent existing or likely agricultural use of the property.
- (6) Is not located within an Airport Review, Flood Hazard or Sensitive Resource Area combining designation as defined in the Land Use Element of the San Luis Obispo County General Plan.

Provided that no such agricultural accessory building shall be constructed without first filing an application for "Agricultural Building Exemption" with the building official. After approval by the building official, such exemption shall be posted on the building. Where an agricultural building, as provided above, is exempt from the requirement for a building permit, such exemption shall not apply to electrical, plumbing and mechanical work.

**b. Fences.** Open wire fences of any height in the Agriculture, Rural Lands or Residential Rural land use categories; solid fences not exceeding 6'-6" in height in all land use categories.

- c. **Government buildings.** Buildings or structures erected by an agency of the federal or state governments in cases where federal or state law preempts local permit authority.
- d. **Temporary structures.** Temporary buildings or structures used in connection with fairs, carnivals, celebrations and similar affairs not to exceed 30 days duration; except grandstands, platforms, or scaffolds over 30 inches in greatest height designed or intended for occupancy by more than two persons.
- e. **Underground storage tanks.** Underground tanks for the storage of hazardous substances (as such substances are defined by California Health and Safety Code Section 25316), which are instead subject to the permit requirements and all other applicable provisions of Chapter 8.14 of this code and Titles 22 and 23 of this code.
- f. **Retaining walls** that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge, impounding hazardous liquids, or located within 3 feet of a property line and retaining soil more than 2 feet in height.

[Amended 1988, Ord. 2351; Added 1992, Ord. 2576; 2005, Ord. 3067]

#### 19.04.030 - Permit Application and Processing:

- a. **General provisions.** Procedures and requirements for the preparation, filing and processing of construction permit applications and the conduct of construction inspections applications shall include all information required by the Uniform Administrative Code and this title.
- b. **Water supply information.** In addition to the information required by subsection a above, building permit applications shall include verification of an available potable water supply pursuant to Section 19.20.238.
- c. **Health Department approval.** Where a permit is requested pursuant to this title to construct, convert, alter or remodel a restaurant, bakery, commissary, food establishment open to the outside air, retail dairy, roadside stand, retail food production and marketing establishment, public swimming pool, organized camp, public water supply system, or a noncommunity on-site sewage disposal system serving a mobilehome park or recreational vehicle campground, the filing and processing of permit applications and plans shall occur as set forth in Chapter 8.06 of this code.
- d. **Who may apply for construction permit.** Applications for permits shall only be submitted by the property owner of record or their authorized agent. Evidence of ownership shall be provided at the time of application. Applications shall be in the name of the property owner. Agents shall present evidence that they are authorized to act as agent for the owner.
- e. **Land Use Permit Required.** Where a discretionary land use or subdivision permit is required for a project by Title 22 or Title 23, no construction permit application for such project shall be submitted until all required land use or subdivision permits have been approved by the applicable Review Authority. Provided that where an applicant has rights to use an Allocation as provided in Title 26 - Growth management Ordinance, the construction permit can be submitted at any point after filing the discretionary permits that may be required in order to satisfy the time frames required to reserve the allocation.

[Amended 1988, Ord. 2351; 1989, Ord. 2433, 2003, Ord. 3004; 2003, Ord 3020]

## **19.04.032 - 033**

**19.04.032 - Permit Issuance.** No construction permit shall be issued pursuant to this title unless the building official first finds that the proposed land use, site work and construction:

- a. Comply with all applicable provisions of this title; and
- b. Comply with all applicable provisions of the Land Use Ordinance and Coastal Zone Land Use Ordinance (Titles 22 and 23 of this code, respectively), including but not limited to:
  - (1) Sections 22.01.020, 22.01.060 and 22.01.070 and 23.01.031 et seq. (Consistency with the Land Use Element required, Land Use Permits Required, Compliance with Standards Required); and
  - (2) Chapter 22.52 and Chapter 23.05 (Grading and Drainage):
- c. Are proposed on a legal lot of record, pursuant to the definition of "parcel" contained in the Land Use Ordinance, Title 22 of this code or, where applicable, the Coastal Zone Land Use Ordinance, Title 23 of this code..
- d. Are proposed on a site that has been determined by the Director of Planning and Building to have legal physical access to a public road as required by Land Use Ordinance or, where applicable, Coastal Zone Land Use Ordinance.
- e. Are consistent with any limitations on building site locations shown or described on a final or parcel map or an informational sheet recorded with such map.
- f. Are consistent with the details of the project described in any negative declaration issued for the subdivision which created the subject parcel, or any mitigation measures adopted as part of a certified environmental impact report for the project.

It is the intent of this title that the issuance of a construction permit pursuant to this section be a ministerial act and that this ordinance shall be interpreted, administered and construed in light of this legislative intent.

[Amended 1988, Ord. 2351; 1989, Ord. 2433; 1992, Ord. 2576; 2005, Ord. 3067]

**19.04.033 - Application Expiration and Extension:** This section supersedes and replaces Section 304.4 of the Uniform Administrative Code. Applications for which no permit is issued within 360 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. If a delay in issuing the permit has been caused by a public agency having jurisdiction over the permit, the building official may grant one additional extension not exceeding the length of that delay. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

[Added 1989, Ord. 2433, Amended 1992, Ord. 2576; 2005, Ord. 3067]

**19.04.034 - Permit Expiration and Extension:** This section supersedes and replaces Section 303.4 of the Uniform Administrative Code.

**a. Expiration because work has not started:**

- (1) Permit time limit.** Every permit issued by the building official under this title shall expire by limitation and become void if the construction authorized by the permit is not started within 360 days from the date of permit issuance.
- (2) Request for extension.** Any permittee holding an unexpired permit may apply for an extension of the time within which work may be started when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. Such request shall be provided the building official in the form of a letter showing that circumstances beyond the permittee's control have prevented action from being taken.
- (3) Allowed extensions.** The building official may extend the time for action by the permittee for a maximum of 180 days. No permit shall be extended more than once; provided, however, should the building official find that the delay in starting work under the permit has been caused by a public agency having jurisdiction over the work, the building official may grant one additional extension not exceeding the length of that delay.

**b. Expiration because construction has stopped.** Any permit issued pursuant to this title shall expire by limitation and become void if the construction authorized by the permit is suspended or abandoned for 180 days or longer at any time after the work has been started. The building official may extend this time limit upon written request by the applicant showing the work stoppage is caused by circumstances beyond the control of the applicant. This extension shall not exceed 180 days. Any construction authorized by a permit which has expired pursuant to this paragraph shall constitute a nuisance and shall be subject to abatement pursuant to the applicable sections of the Land Use Ordinance, Title 22 of this code or the Coastal Zone Land Use Ordinance, Title 23 of this code of this code, unless a new permit is obtained and construction is completed pursuant to Section 19.04.040.

**c. Renewal after expiration.** When a permit has expired pursuant to this section, a new permit shall be obtained before work is resumed, with the fee for the new permit being one-half the amount normally charged for a new permit for such work, provided no changes have been or will be made in the original plans and specifications for such work; and provided, further, that the duration of such suspension or abandonment has not exceeded one year. In order to renew action on a permit when one year or more has elapsed after expiration, the permittee shall pay a new full permit fee and the project shall be considered a new project.

[Amended 1988, Ord. 2351; 1989, Ord. 2433; 1992, Ord. 2576; 2005, Ord. 3067]

## **19.04.035 - 042**

**19.04.035 - Fee Refunds.** The following supersedes and replaces the last paragraph of Section 304.6 of the Uniform Administrative Code:

The building official may authorize the refunding of any unused application or permit fees upon expiration or upon written application filed by the permittee prior to expiration. The amount refunded shall not exceed eighty percent of the original fee.

[Amended 1990, Ord. 2481; 1992, Ord. 2576; 2005, Ord. 3067]

**19.04.040 - Requirements for Final Inspection.** The building official shall not approve a final inspection of any building, structure or other facility for which a permit has been issued pursuant to this title unless the following requirements have first been satisfied:

- a.** All applicable provisions of this title have been satisfied; and
- b.** The deposit for roads required by Chapter 13.16 of this code has been made with the county engineer or has been waived as provided by Chapter 13.16; and
- c.** The project has satisfied all applicable provisions of Titles 22 and 23 of this code (the Land Use Ordinance and Coastal Zone Land Use Ordinance, respectively), including but not limited to any requirements imposed as conditions of approval of a land use permit or other entitlement issued pursuant to Titles 22 or 23; and
- d.** The project has satisfied Section 20.01.020 of this code (Street Address Ordinance - Display of Numbers).

**19.04.042 - Occupancy or Use of Incomplete Structure.** A structure shall not be occupied or used until construction has been completed and a Certificate of Occupancy has been issued pursuant to Section 309 of the Uniform Administrative Code, except that R-3 Occupancies (as defined by the Uniform Building Code) may be occupied before final building inspection approval where the building official first verifies that operable electrical, water, toilet and sewer facilities serve the building and grants written authorization for such occupancy.

[Amended 1989, Ord. 2433; 2005, Ord. 3067]

## CHAPTER 10: BUILDING PROHIBITION AREAS

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### Sections:

### Page:

19.10.030 - Temporary Building Halt Within the Community of Baywood Park and Los Osos and Adjoining Areas .....	10-1
19.10.031 - Duration of Moratorium .....	10-1
19.10.032 - Exceptions .....	10-1

**19.10.030 - Temporary Building Halt Within the Community of Baywood Park and Los Osos and Adjoining Areas.** The building official shall immediately cease the issuance of any building permit for the construction of any building requiring a new or enlarged sewage disposal system or sewage holding tank system within the community of Baywood Park and Los Osos and adjoining areas as shown on the "Prohibition Boundary Map" attached as Exhibit A to California Regional Water Quality Control Board Resolution 83-13, which is incorporated herein by reference as though fully set forth here. [Added 1989, Ord. 2433]

**19.10.031 - Duration of Moratorium.** The temporary building moratorium established by Section 19.10.030 shall be in full force and effect until such time as a sewage collection, treatment and disposal system is installed to serve all of the cited territory. [Added 1989, Ord. 2433]

**19.10.032 - Exceptions:** The building official may issue building permits for new construction that does not comply with the provisions of Section 19.10.030 only where the California Regional Water Quality Control Board, Central Coast Region, has, by resolution, granted an "Exemption from the Basin Plan Prohibition of Additional Individual Sewage Disposal Systems in the Community of Baywood Park and Los Osos", which specifically describes the project so exempted, its location and any conditions or restrictions associated with the approved exemption. Issuance of a building permit by the building official on the basis of such exemption shall not occur unless the approved plans for the project and the project site fully comply with all applicable provisions of the exemption.

[Added 1989, Ord. 2433]





## CHAPTER 20: CONSTRUCTION STANDARDS

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<b><u>Sections:</u></b>	<b><u>Page:</u></b>
19.20.002 - Purpose and Scope .....	20-2
19.20.004 - State Regulations for Residential Construction .....	20-2
19.20.010 - Building Code .....	20-3
19.20.012 - Uniform Building Code Adopted .....	20-3
19.20.014 - Cargo Containers .....	20-3
19.20.016 - Covered Sidewalks .....	20-4
19.20.019 - Fire Extinguishing and Fire Alarm Systems Required .....	20-5
19.20.021 - Noise Mitigation Measures .....	20-5
19.20.024 - Portable Aircraft Hangers .....	20-6
19.20.026 - Prohibited Structures .....	20-6
19.20.028 - Roof Coverings .....	20-7
19.20.030 - Demolition of Historic Structures .....	20-7
19.20.032 - Woodburning Appliances .....	20-7
19.20.035 - Discovery of Archeological Resources .....	20-7
19.20.040 - Drainage Regulations .....	20-8
19.20.050 - Electrical Code .....	20-8
19.20.051 - National Electrical Code Adopted .....	20-8
19.20.054 - Dangerous Electrical Equipment .....	20-8
19.20.056 - Maintenance Electricians .....	20-9
19.20.058 - Outdoor Lighting Fixtures .....	20-10
19.20.070 - Underground Utilities .....	20-10
19.20.090 - Grading, Sedimentation and Erosion Control .....	20-10
19.20.120 - Marine Docks and Structures .....	20-10
19.20.122 - Alternate Standards .....	20-10
19.20.124 - Definitions .....	20-11
19.20.126 - Permits Required .....	20-11
19.20.128 - Safety Requirements .....	20-11
19.20.130 - Sanitary Requirements .....	20-12
19.20.132 - Floating Dock Construction Requirements .....	20-12
19.20.134 - Floating Dock Construction Materials .....	20-14
19.20.136 - Floatation Design Criteria .....	20-14
19.20.138 - Gangway Design .....	20-15
19.20.150 - Mechanical Code - Uniform Mechanical Code Adopted .....	20-15

## 19.20.002 - 004

### Sections:

### Page:

19.20.200 - Plumbing Code .....	20-15
19.20.210 - Uniform Plumbing Code Adopted .....	20-16
19.20.214 - Definitions .....	20-16
19.20.216 - Liquefied Petroleum Gas Systems .....	20-17
19.20.220 - Sewage Disposal Systems .....	20-17
19.20.222 - Private Sewage Disposal Systems .....	20-17
19.20.224 - Community Sewage Disposal Systems .....	20-22
19.20.230 - Water Supply .....	20-23
19.20.232 - Uniform Plumbing Code Amended .....	20-23
19.20.234 - Cross-Connections Control .....	20-23
19.20.236 - Minimum Water Supply - Single-Family Dwellings .....	20-24
19.20.238 - Verification of Water Supply Required .....	20-25
19.20.240 - Water Conservation Provisions .....	20-25
19.20.250 - Sign Construction .....	20-26
19.20.360 - Solar Energy Apparatus .....	20-26
19.20.380 - Swimming Pool and Hot Tub Requirements .....	20-26

**19.20.002 - Purpose and Scope.** This chapter establishes standards and specifications for the purpose of regulating the erection, construction, enlargement, repair, removal, conversion, occupancy, equipment, use, height, area and maintenance of buildings and structures in San Luis Obispo County.

**19.20.004 - State Regulations for Residential Construction.** For the purposes of regulating residential construction (Group R, Division 1 and Group R, Division 3 Occupancies as defined in the Uniform Building Code), the portions of the California State Building Standards Code identified in Division 13, Part 1.5 of the California Health and Safety Code is hereby adopted by reference as part of this title as though it were fully set forth here. To assist in the administration of the California State Building Standards Code, this chapter adopts a variety of technical codes by reference as part of this title to the extent that they reflect the provisions of the state code. Notwithstanding any other provision of this title, in any case where the requirements of this chapter or Chapter 19.40 conflict with applicable provisions of California state law regarding residential construction, state law shall prevail.

**19.20.010 - Building Code.** The San Luis Obispo County Building Code consists of construction regulations consistent with the requirements of California State Law, organized in the following sections:

19.20.012	Uniform Building Code Adopted
19.20.014	Cargo Containers
19.20.016	Covered sidewalks
19.20.018	Energy Conservation
19.20.019	Fire-Extinguishing and Fire Alarm Systems Required
19.20.020	Handicapped Access
19.20.022	Parapets
19.20.024	Portable Aircraft Hangers
19.20.026	Prohibited Structures
19.20.028	Roof Coverings

**19.20.012 - Uniform Building Code Adopted.** The body of building regulations published by the International Conference of Building Officials which is entitled the "Uniform Building Code", 1997 edition as amended, by the state of California and known as the 2001 California Building Code, including appendix chapter 3 Division II, chapter 4 Divisions I and II, chapter 9 Division II, chapter 12 Division II, chapter 15 Division III, chapter 31 Division III and chapter 33, is hereby adopted and incorporated into this title by reference as though it were fully set forth here, except as otherwise noted in this title.

[Amended 1989, Ord. 2433; 1992, Ord. 2576; 2005, Ord. 3067]

**19.20.013 - Structural Standards.** The 1997 Uniform Building Code/2001 California Building Code are hereby amended to incorporate the updated structural standards contained in Appendix A of this title. These standards are adopted into this title by reference as though they were fully set forth herein.

[Added 2005, Ord. 3067]

**19.20.014 - Cargo Containers.** Shipping containers of the type used for rail and marine terminal cargo may be used for storage or other structural purposes (except human habitation), subject to the following requirements:

- a. **Conformity with code required.** The cargo container shall be modified under a permit issued pursuant to this title so as to be in conformity with all Uniform Building Code requirements applicable to its proposed occupancy.
- b. **Limitation on location.** Cargo containers may be used for storage or other structural purposes only in the following land use categories, as such categories are defined by the Land Use Ordinance, Title 22 of this code, or Coastal Zone Land Use Ordinance, Title 23 of this code:
  - (1) Within the Agriculture or Rural Lands land use categories on parcels of 20 acres or larger; or where the director of planning and building determines that such containers will not be visible from public roads or adjoining ownerships;

#### 19.20.014 - 019

- (2) Within the Commercial Service or Industrial land use categories, where such containers are screened pursuant to Sections 22.04.190c or 23.04.190c of this code, so as to not be visible from public roads.
- c. **Uniform appearance required.** Where multiple cargo containers are used within a Commercial or Industrial land use category, they shall be painted the same color. Cargo containers shall not be stacked.

[Amended 1988, Ord. 2351]

**19.20.016 - Covered Sidewalks.** Covered sidewalks may be permitted by the building official only within the urban areas of Cambria, Cayucos, Santa Margarita, San Miguel and Templeton. In those communities, covered sidewalks are subject to the following requirements:

- a. **Covering.** The permanent covering of a covered sidewalk shall not be less than eight feet above grade and shall provide at least two feet of horizontal clearance between the permanent covering and the curb line of the abutting streets.
- b. **Location of supports.** The permanent covering may be supported by on-grade supports installed no closer than two feet from the curb line. In areas allowing diagonal parking, any projection on-grade less than four feet from the curb line shall be protected from damage by vehicles in a manner approved by the building official.
- c. **Encroachment Permit required.** The permit application for a covered sidewalk shall be accompanied by an encroachment permit issued by the County Engineering Department, State of California or other agency having jurisdiction over the public right-of-way.

**19.20.019 - Fire-Extinguishing and Fire Alarm Systems Required.** The requirements of this section supplement those in the Uniform Building Code. These requirements apply only where fire protection is provided by the California Department of Forestry/County Fire.

- a. Automatic fire-extinguishing systems. An automatic sprinkler system shall be installed in new buildings or structures which meet at least one of the criteria below; and in existing buildings or structures where a proposed addition will increase the floor area by 50% or more and which meet at least one of the criteria below:
  - (1) The total floor area exceeds 5,000 square feet, irrespective of area separation walls.
  - (2) The building height is two stories or more.
  - (3) The response time from the nearest county fire station exceeds 10 minutes.

**Exception:** Automatic fire extinguishing systems are not required in Group A, Division 4; Group U; and Group R, Division 3 Occupancies, as defined by the Uniform Building Code.

Sprinkler systems required by this section may be used to increase allowable area or increase allowable building height where authorized by Titles 22 or 23 of this code, or may be substituted for fire-resistive construction as provided by Uniform Building Code.

- b. Fire alarm systems.** An approved fire alarm system shall be installed in all new buildings or structures where an automatic fire-extinguishing system is not required.

**Exception:** Fire alarm systems are not required in Group A, Division 4; Group U; and Group R, Division 3 Occupancies, as defined by the Uniform Building Code.

[Added 1989, Ord. 2433; Amended 2005, Ord. 3067]

**19.20.021 - Noise Mitigation Measures.** Development requiring a building permit shall comply with the requirements of the Noise Element of the county General Plan. [Amended 1992, Ord. 2576]

**19.20.024 - Portable Aircraft Hangers.** Portable T-hanger trailers may be permitted by the building official to be installed on any airport site approved pursuant to Titles 22 or 23 of this code when such hangers satisfy the following requirements:

- a. The location of the installation is approved by the management of the subject airport.
- b. The installation is in accordance with the manufacturer's "Approved Installation Procedures" signed by a California-licensed civil engineer.
- c. The permittee is responsible for a certification of the installation and testing of the anchors, and shall submit a letter to the building official certifying the compliance of each unit with the manufacturer's procedures. It shall be the permittee's responsibility to see that the anchors remain installed at all times in accordance with the manufacturer's procedures.
- d. The insignia of registration as a motor vehicle of the State of California shall be maintained and current license plates must be posted on the trailer.
- e. The portable T-hanger trailers shall be used for storage of aircraft and related equipment only. No water or sanitary facilities shall be permitted in such structure.
- f. The portable T-hanger trailer shall be equipped with permanent ventilation as required for group B-3 occupancies in the Uniform Building Code.
- g. The portable T-hanger trailers shall be maintained in a usable and mobile condition.
- h. The finish exterior color shall be approved by the management of the affected airport.

[Amended 1988, Ord. 2351]

#### 19.20.026 - 040

**19.20.026 - Prohibited Structures.** It shall be unlawful and a violation of this code for any person to:

- a. Use for habitation, storage or any structural purposes, any discarded, salvaged, abandoned or replaced travel trailer, trucking trailer, cargo container, streetcar, bus body, rail car or other vehicle body, except:
  - (1) Cargo containers may be used pursuant to Section 19.20.014 of this title.
  - (2) Rail cars may be used as part of a retail commercial or restaurant structure when the rail car is modified under a permit issued pursuant to this title so as to be in conformity with all Uniform Building Code requirements applicable to its proposed occupancy and the land use is approved by the Planning Commission pursuant to Titles 22 or 23 of this code.
- b. Use a travel trailer or recreational vehicle for residential purposes, except in an approved campground or recreational vehicle park, or in other situations allowed by Titles 22 or 23 of this code.

[Amended 2005, Ord. 3067]

**19.20.028 - Roof Coverings.** Notwithstanding any provisions of the Uniform Building Code or this title, all roof coverings shall be minimum class "C" listed or of noncombustible roof covering classification. This provision shall apply to all new buildings and to any existing roof where reroofing exceeds 50 percent of the roof area. [Added 1989, Ord. 2433; Amended 2005, Ord. 3067]

**19.20.030 - Demolition of Historic Structures.** No person shall demolish, and the building official shall issue no permit for the demolition of, any building or structure identified by the Land Use Element of the San Luis Obispo County General Plan as being within an Historic (H) Combining Designation, without first complying with all applicable provisions of the Land Use Ordinance, Title 22 of this code, or the Coastal Zone Land Use Ordinance, Title 23 of this code. [Amended 2005, Ord. 3067]

**19.20.032 - Woodburning Appliances.** The installation of new and replacement solid fuel burning devices shall comply with current county regulations as established by the San Luis Obispo County Air Pollution Control District. [Added 1992, Ord. 2576]

**19.20.035 - Discovery of Archeological Resources:** In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

- a. Construction activities shall cease, and the Environmental Coordinator and Department of Planning and Building shall be notified so that the extent and location of discovered materials may be recorded by a qualified archeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

- b. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Department of Planning and Building and Environmental Coordinator so proper disposition may be accomplished.

**19.20.040 - Drainage Regulations.** All construction activities that may affect the velocity, direction or volume of natural drainage occurring on or in the vicinity of the construction site shall comply with all applicable provisions. of the Land Use Ordinance, Title 22 of this code, or where applicable, the Coastal Zone Land Use Ordinance, Title 23 of this code. [Amended 2005, Ord. 3067]

**19.20.050 - Electrical Code.** The San Luis Obispo County Electrical Code consists of regulations consistent with the requirements of California State Law, organized in the following sections:

19.20.051	National Electrical Code Adopted
19.20.054	Dangerous Electrical Equipment
19.20.056	Maintenance Electricians
19.20.058	Outdoor Lighting Fixtures

**19.20.051 - National Electrical Code Adopted.** The electrical code published by the National Fire Protection Association which is entitled the "National Electrical Code", the most recently adopted and subsequent editions as adopted by the state of California, is hereby adopted and incorporated into this title by reference as though it were fully set forth here, except as otherwise noted in this title.

[Amended 1988, Ord. 2351; 1990, Ord. 2481; 1992, Ord. 2576; 2005, Ord. 3067]

**19.20.054 - Dangerous Electrical Equipment.** For the purposes of this title, any electrical equipment existing in any type of occupancy which has any or all of the conditions or defects described as follows shall be deemed dangerous, and such equipment shall be replaced, repaired, reinstalled, reconstructed or removed:

- a. The service panels show visual evidence of an excessive number of overloads.
- b. The working area in front of any service panel is insufficient for the safe maintenance and repair of the equipment.
- c. Live front panels are being maintained or used.
- d. The fuses or circuit breakers are rated higher than those permitted by the National Electrical Code.
- e. The electrical conductor is in an unapproved raceway.
- f. The electrical conductors from different classes of service are in a common raceway.
- g. Drop cords greater than six feet in length are used to connect electrical appliances.

#### **19.20.054 - 090**

- h. The electrical equipment is not properly grounded for the protection of the electrical equipment as determined by the use being made thereof.
- i. The electrical equipment is broken, cracked, or not properly maintained to meet the standards existing at the time the equipment was approved.
- j. The electrical equipment is unsafe for the use intended.

**19.20.056 - Maintenance Electricians.** In lieu of an individual permit for each installation or alteration, an annual permit may be issued to any person, firm or corporation regularly employing one or more electricians for the installation and maintenance of electrical wiring, devices, appliances, apparatus, or equipment or premises owned or occupied by the applicant for the permit. The application for such annual permit shall be made in writing to the building official and shall contain a description of the premises upon which work is to be done under the permit. Within not more than 15 days following the end of each calendar month, the person, firm or corporation to which an annual permit is issued shall transmit to the building official a report of all electrical work which has been done under the annual permit during the preceding month. A fee specified in the County Fee Schedule shall be paid for each annual maintenance electrician's permit at the time such permit is issued. In addition, fees shall be paid for all work installed under such a permit, in accordance with the fee schedule, at the time the work is inspected.

**19.20.058 - Outdoor Lighting Fixtures.** Outdoor lighting fixtures are subject to the provisions of the Land Use Ordinance, Title 22 of this code, and the Coastal Zone Land Use Ordinance, Title 23 of this code, in addition to all applicable provisions of the National Electrical Code and this title. [Amended 2005, 3067]

**19.20.070 - Underground Utilities.** Utilities shall be installed underground where required by Land Use Ordinance, Title 22 of this code, or Coastal Zone Land Use Ordinance, Title 23 of this code.

[Added 1992, Ord. 2576; Amended 2005, Ord. 3067]

**19.20.090 - Grading, Sedimentation and Erosion Control.** All construction involving any site preparation, vegetation removal, earth moving, excavation, filling or other grading activities shall comply with all applicable provisions of the Land Use Ordinance, Title 22 of this code, or in the Coastal Zone, the Coastal Zone Land Use Ordinance, Title 23 of this code. [Amended 2005, Ord. 3067]



**19.20.120 - Marine Docks and Structures.** This chapter provides mandatory standards and specifications for floating docks and marina construction. These regulations apply to structures in both coastal and inland waters under county jurisdiction in addition to all other applicable county regulations, and are organized into the following sections:

19.20.122	Alternate Standards
19.20.124	Definitions
19.20.126	Permits Required
19.20.128	Safety Requirements
19.20.130	Sanitary Requirements
19.20.132	Floating Dock Construction Requirements
19.20.134	Floating Dock Construction Materials
19.20.136	Floataion Design Criteria
19.20.138	Gangway Design

**19.20.122 - Alternate Standards.** Any reasonable design or specification will be allowed upon approval by the building official. In areas subject to heavy wave action the building official may require additional provisions to be made to assure a safe installation.

**19.20.124 - Definitions:**

- a. **Floating dock:** A moorage for boats, ships and sailing vessels supported by a buoyant method acceptable to this chapter which may or may not be attached to land. For purposes of this chapter floating docks are further classified in this section as public floating docks.
- b. **Floating marina:** A floating dock which has buildings or equipment and/or structures on it used for service to boats.

**19.20.126 - Permits Required:** A permit shall be obtained from the Planning Department as set forth in Chapter 19.04 of this title prior to any construction of docks, marinas and work of a similar nature as follows:

- a. **Application content and filing:** Plans to be submitted for approval shall include: complete working drawings, plot plan with parking layout, schematics of electrical and mechanical work, and such other plans as may be required to effect completion of the work in a manner satisfactory to the building official. Such plans shall be submitted in duplicate to the Planning Department. When the facility to be constructed includes plumbing facilities, plans shall be submitted in triplicate.
- b. **Plan preparation:** A registered civil engineer shall prepare plans for all floating marinas and any floating dock in excess of 400 square feet in area or 50 feet in length measured perpendicular to the shoreline.

#### 19.20.126 - 132

- c. **Encroachment permit required.** Encroachment permits shall be required prior to any construction done on or in conjunction with county property.
- d. **Corps of Engineers permit.** Where a permit is required by the Corps of Engineers for marine construction, the permit shall be obtained prior to the issuance of a county permit.

#### 19.20.128 - Safety Requirements:

- a. **Fire equipment.** Fire fighting equipment shall be provided and maintained in an operable manner for all commercially operated marinas and dock facilities, as specified by the State Fire Marshall or local fire chief if a local fire district exists.
- b. **Water supply.** Domestic water service to any floating facility shall meet minimum requirements established by the Health Department and such approval shall be made a part of the construction plans.
- c. **Lighting.** All commercial piers, floats and docks used for loading of passengers shall be illuminated at a minimum five foot candle level for all such loading areas.
- d. **Railings.** All railings on floating facilities shall be designed for a minimum 20 pounds per lineal foot horizontal load applied at the top railing. Minimum height of railing shall be 42 inches above adjacent floor level.

#### 19.20.130 - Sanitary Requirements:

- a. **Restrooms.** In addition to other sanitary requirements for buildings, all public floating docks or marinas shall have a minimum of two restrooms, (male and female) for each 75 mooring spaces. The maximum walking distance from boat berth to restroom shall not exceed 400 feet.
- b. **Sewage disposal.** Removal of sewage from floating facilities shall be as approved by the Health Department at the time the construction plans are submitted.

#### 19.20.132 - Floating Dock Construction Requirements:

- a. **Anchored docks.** Anchored docks may be used on inland waters subject to provisions for water level fluctuation. The size of anchor cable and the weights of submerged anchoring devices shall be calculated to resist all lateral loads to which the dock is subjected.
- b. **Small private floating docks.** Private floating docks less than 400 square feet in area shall meet the flotation and anchorage requirements of this chapter.

**c. Floating docks less than 2000 square feet:**

- (1) Construction requirements for floating docks less than 2000 square feet (except private floating docks less than 400 square feet - see subsection b above), shall be as follows:

Pier width:	4 feet minimum.
Gangway width:	3 feet minimum.
Main access width:	6 feet for finger floats 35 feet or less in length. 8 feet for over 35-foot finger length or when main access float exceeds 350 feet.
Finger float width:	3 feet minimum for 30 feet or less in length. 4 feet minimum for over 30 feet in length.

- (2) All docks shall be designed for boat moorage on at least one side of the boat unless otherwise approved by the building official. Guard rails shall be provided on all access piers and gangways and floats intended for gathering places such as food distribution areas and similar service areas.

- (3) The clear water dimension between opposing rows of finger floats shall be a minimum of a 1.75 times the length of the longest finger float.

**d. Floating docks more than 2000 square feet:**

- (1) The minimum dimensions for floating docks with a float area greater than 2000 square feet shall be as follows:

Pier width:	8 feet minimum.
Gangway width:	4 feet minimum.
Width of Fueling float or similar service area:	10 feet minimum.
Finger float:	4 feet minimum.

- (2) The clear water dimension between opposing rows of finger floats shall be a minimum of two times the length of the longest finger float.

- e. Guide piles.** Guide piles shall be installed at ends of all fingers attached to outboard end of main access float and at all floats exceeding 35 feet in length in ocean waters and inland waters not subject to fluctuation. Maximum spacing of guide piles for main floats shall be 40 feet. Piles shall meet all applicable requirements of the Uniform Building Code.

#### 19.20.134 - 138

**19.20.134 - Floating Dock Construction Materials:** The construction materials for floating docks, except private docks of 400 square feet or less, shall conform to the following standards:

- a. **Floatation units:** Shall be concrete, pressure molded fiber glass, reinforced plastic, or expanded cellular plastic coated with an approved material to prevent physical or chemical damage.
- b. **Metal parts.** Iron and steel parts shall be heavily galvanized or equally protected with a corrosion-resistant coating.
- c. **Deck surfaces:** May be concrete, plastic or wood. Lumber shall be a minimum of 1-5/8 inch net thickness. Plywood shall be marine exterior grade of 3/4 inch minimum thickness. All surfaces shall have a non-slip finish.
- d. **Lumber.** All lumber shall receive a full cell process salt preservation treatment in accordance with the specifications of the American Wood Preserves Association.

#### 19.20.136 - Flotation Design Criteria:

- a. **Design loads:** All portions of facility shall be designed to resist full dead load plus live loads. All buoyant units shall resist full design loads with maximum 75 percent submergence of unit.
- b. **Lateral loads:** All portions of facility shall be designed according to minimum requirements of Uniform Building Code.
- c. **Vehicular loads:** All portions of facility shall be designed in accordance with the standard specifications for highway bridges as adopted by the American Association of State Highway Officials.
- d. **Finger floats and main access floats:** The minimum design live load shall be 15#/s.f. or a 500# concentrated load on one square foot at any location, whichever causes the worst condition.
- e. **Fueling floats and similar service area floats:** The minimum design live load shall be 20#/s.f. or a 500# concentrated load on one square foot at any location, whichever causes the worst condition.

#### 19.20.138 - Gangway Design:

- a. Gangways shall be provided at the end of all main floats. Where the gangway rests on the main float, adequate width shall be provided at the main float to provide a clear width of eight feet on one side or four feet on each side of the gangway to the edge of the main float.
- b. Gangways shall be designed for a live load of 50#/sq. ft. minimum. Special float conditions may require a greater live load to be considered, subject to the approval of the building official.

**19.20.150 - Uniform Mechanical Code Adopted:** The Mechanical Code published by the International Association of Plumbing and Mechanical Officials which is entitled the "Uniform Mechanical Code", the most recently adopted and subsequent editions as adopted by the state of California, is hereby adopted and incorporated into this title by reference as though it were fully set forth here.

[Amended 1989, Ord. 2433; 1992, Ord. 2576; 2005, Ord. 3067]

**19.20.200 - Plumbing Code.** The San Luis Obispo County Plumbing Code consists of plumbing equipment and facility regulations consistent with the requirements of California State Law, and is organized into the following sections:

19.20.210	Uniform Plumbing Code Adopted
19.20.214	Definitions
19.20.216	Liquified Petroleum Gas Systems
19.20.220	Sewage Disposal Systems
19.20.222	Private Sewage Disposal Systems
19.20.224	Community Sewage Disposal Systems
19.20.230	Water Supply
19.20.232	Uniform Plumbing Code Amended
19.20.234	Cross-Connections Control
19.20.236	Minimum Water Supply - Single-Family Dwellings
19.20.238	Verification of Water Supply Required
19.20.240	Water Conservation Provisions

**19.20.210 - Uniform Plumbing Code Adopted.** The plumbing code published by the International Association of Plumbing and Mechanical Officials, which is entitled the "Uniform Plumbing Code", the most recently adopted as adopted by the state of California, together with its Appendix A, "Recommended Rules for Sizing the Water Supply System"; Appendix B, "Explanatory Notes on Combination Waste and Vent System"; Appendix D, "Rainwater Systems"; Appendix G, "Swimming Pools"; Appendix H, "Recommended Procedures for Sizing Commercial Kitchen Grease Interceptors"; and Appendix I, "Private Sewage Disposal Systems"; is hereby adopted and incorporated into this title by reference as though it were fully set forth here, except as otherwise noted in this title.

[Amended 1988, Ord. 2351; 1989, Ord. 2433; 1992, Ord. 2576; 2005, Ord. 3067]

#### **19.20.214 - Definitions:**

- a. **Community sewage disposal system:** A single sewage disposal system serving more than 5 parcels; or single or multiple sewage disposal systems serving more than 5 dwelling units on a single parcel.
- b. **Gravels:** Soils with over 95% by weight coarser than a No. 200 sieve.

#### 19.20.214 - 222

- c. **Gravels with few fines:** Soils with over 90% by weight coarser than a No. 200 sieve, over half of the coarse fraction is larger than a No. 4 sieve, and 6-10% is finer than a No. 200 sieve.
- d. **Reservoir:** A pond, lake, tank, basin, or other space either natural or created in whole or in part by the building of engineering structures other than sealed storage tanks constructed of impervious metal or synthetic materials, which is used for storage, regulation, and control of water, for recreation, power, flood control or drinking. For the purposes of this chapter, the term reservoir does not include small and shallow structures or basins for the temporary detention of storm water runoff from on-site roof drains and paved areas, provided there is no flow at any time between the structure or basin and any sewage disposal system.
- e. **Surface water:** A concentration of freshwater or seawater, the surface of which is in direct contact with the atmosphere, including reservoirs and watercourses as defined in this section, as well as wetlands and ocean bays.
- f. **Watercourse:** A natural stream or artificial channel for passage of water, fed from permanent or natural sources, including rivers, creeks, runs, and rivulets. There must be a stream, usually flowing in a particular direction more frequently than during storms (though it need not flow continuously) in a definite channel, having a bed or banks and usually discharging into some other stream or body of water. Excludes lined channels and other artificial channels for the conveyance of storm water.

**19.20.216 - Liquefied Petroleum Gas Systems.** The installation of liquefied petroleum gas facilities, piping and storage vessels are subject to the provisions of Chapter 5-16 (Unfired Pressure Vessels) of Title 24 of the California Code of Regulations. [Amended 1989, Ord. 2433]

**19.20.220 - Sewage Disposal Systems.** The design and installation of sewage disposal systems within the unincorporated areas of San Luis Obispo County are subject to the provisions of the following sections:

- 19.20.222 Private Sewage Disposal Systems
- 19.20.224 Community Sewage Disposal Systems

**19.20.222 - Private Sewage Disposal Systems.** The use of a private, on-site sewage disposal system is allowed only within the rural areas of the county and within urban and village areas where no community sewage collection, treatment and disposal system exists. Private sewage disposal systems shall be designed and constructed as provided by this section, in addition to satisfying all applicable requirements of the Uniform Plumbing Code. In the event of any conflict between the provisions of this section and the Uniform Plumbing Code, the most restrictive shall prevail.

- a. **Legislative findings.** These regulations are enacted in part to implement the requirements of the "Water Quality Control Plan, Central Coastal Basin", adopted by the California Regional Water Quality Control Board. To the extent that these regulations change applicable provisions of the California Health and Safety Code and California Code of Regulations as they would otherwise apply to local construction, the Board of Supervisors finds that the changes herein are necessary

because of local geological and topographic conditions which change applicable provisions of the California Health and Safety Code and California Code of Regulations as they would otherwise apply to local construction, the Board of Supervisors finds that the changes herein are necessary because of local geological and topographic conditions which involve limitations on the capability of soils in the unincorporated areas of San Luis Obispo County to effectively handle sewage effluent disposal from private sewage disposal systems. Such limitations include high groundwater, soils with poor percolation capability and steep slopes. [Amended 1989, Ord. 2433]

**b. General requirements:**

- (1) **Percolation tests.** Percolation tests may be required by the building official pursuant to Section I4 of the Uniform Plumbing Code.
- (2) **Minimum site area with well.** As required by the Land Use Ordinance, Title 22 of this code, or the Coastal Zone Land Use Ordinance, Title 23 of this code. An existing parcel that contains a water well may be approved for a private sewage disposal system only if the parcel is one acre or larger. A parcel smaller than one acre may use a private sewage disposal system only where the well serving the parcel is a public water supply or is located on another parcel that is one acre or larger. The minimum site area for a new parcel where a well and septic system are both proposed is determined by the Land Use Ordinance, Title 22 of this code, and the Coastal Zone Land Use Ordinance, Title 23 of this code.
- (3) **Minimum site area in reservoir watershed.** Within any domestic reservoir watershed shown on Figure 19.20A or within any other reservoir watershed, all private sewage disposal systems shall be located on individual parcels of at least 2-1/2 acres or within subdivisions with a maximum density of 2-1/2 acres or more per dwelling unit. No land within a horizontal distance of 200 feet from a reservoir, as determined by the spillway elevation, shall qualify for computing parcel size or density, or for septic system siting.

[Amended 2005, Ord. 3067]

**c. Septic tank and leach area systems.** On-site sewage disposal systems that utilize a buried tank for the processing of solids, and leaching areas, trenches or seepage pits for the disposal of liquid waste through soil infiltration shall be located, designed and constructed in accordance with all of the following standards:

- (1) **Minimum site characteristics.** Septic tank and leach area systems shall be used only where the proposed site can maintain subsurface disposal, and satisfy the following standards on a continuous basis, unless an exception is approved as set forth in subsection d of this section.
  - (i) **Subsurface geology.** The proposed site for a soil absorption disposal area shall be free from soils or formations containing continuous channels, cracks or fractures, unless a setback distance of at least 250 feet to any domestic water supply well or surface water is assured.

- (ii) **Site flooding.** No sewage disposal system shall be allowed within an area subject to inundation by a 10-year flood.
- (iii) **Minimum percolation required.** A percolation rate from 0 to 30 minutes per inch of fall is sufficient to permit the use of leaching systems. Such systems shall not be used where percolation rates are slower than 120 minutes/inch unless the parcel is at least 2 acres. Such systems shall not be used where soil percolation rates are slower than 60 minutes/inch unless the effluent application rate is 0.1 gallon per day/square foot or less, using a minimum flow rate of 375 gpd/dwelling unit, or as provided by Uniform Plumbing Code Table I3 for commercial uses. Percolation rates of more than 30 minutes per inch of fall may be approved only where the system is designed and certified to have been installed as designed by a the design engineer.
- (iv) **Site slope.** Septic tanks or leaching systems installed on slopes of 20 percent or more shall be designed and installation certified by a registered engineer. Design shall minimize grading disruption associated with access for installation and maintenance. No soil absorption sewage disposal area shall be located where the natural slope is 30 percent or greater.
- (v) **Separation from impermeable strata.** A minimum distance of 10 feet shall be maintained from the bottom of leaching systems to impermeable strata. This distance shall be verified by test borings pursuant to the Uniform Plumbing Code where required by the Building Official.
- (vi) **Groundwater separation.** Depth from the bottom of the leach area to usable groundwater (including usable perched groundwater) shall be as follows, based upon the percolation rate found at the site:

<u>Percolation rate, minutes per inch</u>	<u>Minimum distance to groundwater in feet</u>
less than 1 min./in.	50 feet*
1-4	20 feet*
5-29	8 feet
30+	5 feet

\* Unless a minimum horizontal separation of 250 feet between the disposal area and any domestic water supply well or surface water is assured, in which case minimum groundwater separation shall be 20 feet when the percolation rate is less than one minute/inch, and eight feet when the percolation rate is one to four minutes/inch.

The Building Official may require a piezometer test or other appropriate documentation to verify the groundwater separation required by this section.



- (2) **System location.** A private sewage disposal system shall be located on the parcel it serves. Soil absorption disposal systems, including but not limited to leach areas and seepage pits, shall be located in accordance with the setbacks in the following table, except that where disposal system location is proposed with less groundwater separation than required by subsections b(1)(vi) or b(3)(ii) of this section, the increased setbacks required by those subsections shall be provided.

<u>Setback from</u>	<u>Distance in Feet</u>
. Domestic water supply wells in unconfined aquifer	100
. Watercourse where geologic conditions permit water migration	100
. Springs, natural or any part of man-made spring	100
. Reservoir, spillway elevation	200
. Public water supply wells	200

- (3) **Seepage pit standards.** The following standards apply only to seepage pit disposal facilities, in addition to all other applicable standards of this section:

- (i) **Soil particle size.** Seepage pits shall be used only where soils or formations at the pit location contain less than 60% clay (a soil particle less than 2 microns in size) in the percolation zone used for seepage calculation, unless the parcel is at least two acres.
- (ii) **Groundwater separation.** Seepage pits shall be used only where distances between pit bottom and useable groundwater (including perched groundwater) is equal to or greater than the following minimum separations, based upon the soil type found at the site:

<u>Soil Type</u>	<u>Minimum distance to groundwater in feet</u>
Gravels	50 feet*
Gravels with few fines	20 feet*
Other	10 feet

\* Unless a minimum horizontal separation of 250 feet between the disposal area and any domestic water supply well or surface water is assured, in which case minimum groundwater separation shall be 20 feet when the soil type is gravels and 10 feet when the soil type is gravels with few fines.

The Building Official may require a piezometer test or other appropriate documentation to verify the groundwater separation required by this section.

**(4) System design and sizing:**

- (i) Replacement area required.** Individual systems on new land divisions, and commercial, institutional, and sanitary industrial systems shall be designed and constructed to either reserve sufficient site area for dual leach fields (100% replacement area), or construct the dual leach fields with a diverter valve at the time of initial septic system installation. Installation of dual leachfields will be required if site access for installation of the expansion area could be limited after initial site development.
- (ii) Non-residential systems.** Commercial, institutional, or sanitary industrial systems shall be designed based upon the daily peak flow estimate for the proposed use.
- (iii) Residential systems.** A minimum leaching area of 125 square feet per bedroom shall be provided for sewage disposal systems serving residential uses.

**(5) Replacement of failed private sewage disposal systems.** Where an existing private sewage disposal system has failed and a replaced system cannot be installed to meet the criteria of this section, the building official may approve a replacement system that meets all of the following minimum standards and is designed to satisfy as many of the other requirements of this section as possible:

- (i)** The system is designed by a registered engineer.
- (ii)** The proposed system is approved by the County Health Department.
- (iii)** The installation of the approved system is inspected and certified to be installed as designed by the design engineer.

**d. Use of non-standard engineered systems.** Systems proposed under Section 1(h), Appendix I of the Uniform Plumbing Code, including mound and evapotranspiration systems shall be designed as provided by the "Water Quality Control Plan, Central Coastal Basin", adopted and as amended by the California Regional Water Quality Control Board, by an engineer or sanitarian registered by the State of California competent in sanitary engineering, and shall be approved by the Building Official and the Director of Environmental Health.

**e. Relief from standards.** Any applicant for a permit to install, repair or replace a private sewage disposal system who is aggrieved by the administration of the requirements of this section by the chief building official may appeal the matter to the Board of Construction Appeals as provided in Section 19.01.140. In cases where an exception is requested to any provision of this section that prohibits use of a private sewage disposal system under specified conditions, no exception granted by the Board of Construction Appeals shall be effective unless the California Regional Water Quality Control Board has also approved an "Exemption to Basin Plan Prohibitions" for the proposed exception.

[Amended 1988, Ord. 2351; 2005, Ord. 3067]

**19.20.224 - Community Sewage Disposal Systems.** Community sewage disposal systems may be reviewed and approved by the county Health and Engineering Departments only when a proposed system is designed and constructed as follows, and is approved by the California Regional Water Quality Control Board:

- a. **Public agency operation required.** Sewerage facilities shall be operated by a public agency unless the County Engineer or the Regional Water Quality Control Board finds that an existing public agency is unavailable and formation of a new agency is unreasonable. If such finding is made, a private entity shall be established with adequate financial, legal and institutional resources to assume responsibility for waste discharges.
- b. **Minimum number of users served.** A community sewage disposal systems may be approved only where at least 50 dwelling units will be served by the proposed system, unless fewer hookups are authorized by the County Engineer.
- c. **Disposal system design and performance.** Community sewage disposal systems shall be designed and shall discharge effluent of a quality pursuant to the provisions of the "Water Quality Control Plan, Central Coastal Basin", adopted by the California Regional Water Quality Control Board.

**19.20.230 - Water Supply.** The requirements of this title regulating the provision of potable water to serve buildings and structures for human habitation are organized into the following sections:

19.20.232	Uniform Plumbing Code Amended
19.20.234	Cross-Connections Control
19.20.236	Minimum Water Supply - Single-Family Dwellings
19.20.238	Verification of Water Supply Required

**19.20.232 - Uniform Plumbing Code Amended.** Section 1001 of the Uniform Plumbing Code is hereby amended by adding the following sentence:

"Water transported to a building site shall be deemed adequate only if approved as to source, transportation method and on-site storage by the County Health Department."

**19.20.234 - Cross-Connections Control.** Connections to public water systems are subject to the provisions of Chapter 8.30 of this code (Cross-Connections Control and Inspections), in addition to all applicable provisions of the Uniform Plumbing Code and this title.

**19.20.236 - Minimum Water Supply - Single-Family Dwellings:** All dwellings shall be provided a potable water supply system as required by this section. Such system shall also satisfy all applicable requirements of the Uniform Plumbing Code and the San Luis Obispo County Health Department.

- a. **Community system or on-site well.** Subject to the approval of the building official, a dwelling may be supplied potable water from either:
  - (1) A public water supply or domestic water system approved by the Health Department or operated by a state-licensed water purveyor; or
  - (2) An on-site well, water storage and delivery system in accordance with this section.
- b. **On-site wells.** When an on-site well is the proposed potable water supply, a building permit may be issued only where the building site is located outside the service boundary of a community water system, and where the well, together with any on-site water storage, satisfies all the following requirements:
  - (1) **Health Department approval.** All water wells shall be designed, constructed and shall obtain Health Department approval as required by Chapter 8.40 of this code.
  - (2) **Minimum capacity.** A domestic well shall provide a minimum capacity of 5 gallons-per-minute (GPM) in order to be approved for use as a source of potable water for a single-family dwelling. Use of a well with a minimum capacity of 2.5 gallons-per-minute may be approved by the building official where 1000 gallons of approved on-site water storage is also provided. (Note: on-site water storage for fire protection may also be required by the Land Use Ordinance or, where applicable, the Coastal Zone Land Use Ordinance regardless of the requirements of this section.) A building permit may be issued where use of a well with less capacity than 2.5 gpm is proposed only where authorized by the director of environmental health.
  - (3) **Testing of capacity.** The capacity required by subsection b(2) of this section for a domestic well shall be verified by a minimum four-hour pump test with drawdown and recovery data by a licensed and bonded well driller or pump testing company. Bail and air blow tests may be accepted for wells of 25 gpm or greater.

[Amended 2005, Ord. 3067]

**19.20.238 - Verification of Water Supply Required.** No grading, building or plumbing permit application or plans for a project which will require new service with potable water shall be issued unless:

- a. The building official is provided a written statement from the operator of a community or domestic water system that the purveyor will provide potable water service to the dwelling and that the water purveyor has sufficient water resource and system capacity to provide such service; or

- b. The building official is provided evidence that a permit or other authorization has been granted by the water purveyor for the proposed project to connect to and use the community or domestic water system; or
- c. An on-site well is installed, tested, and is certified to satisfy the requirements of Section 19.20.236b, or the building official is provided evidence showing that potable water adequate to satisfy the standards of Section 19.20.236b is available on-site. Evidence provided to prove availability of potable water shall include:
  - (1) Existing county data; or
  - (2) A report submitted by a registered hydrologist, geologist or county- and state-licensed well driller; or
  - (3) Satisfactory evidence from a test well drilled on the parcel.

No final building inspection for a dwelling shall be approved until the dwelling is connected to an operating water supply approved pursuant to this section. [Amended 1988, Ord. 2351]

**19.20.240 - Water Conservation Provisions.** The requirements in this section shall apply to all new installations and, where specifically required, to existing structures.

- a. **Water fixtures.** Water fixtures shall comply with current requirements of the California Energy Commission and Department of Water Resources.
- b. **Existing structures.** In existing buildings, replacement water fixtures shall conform to the above requirements. In addition, all fixtures in an existing building shall be brought into conformance with these requirements when an alteration of that building meets either of the following criteria:
  - (1) A bathroom is added;
  - (2) The floor area is increased by twenty per cent (20%) or more.
- c. **Other requirements:**
  - (1) Spas, hot tubs, fountains and other decorative bodies of water shall be equipped with recirculating systems and shall be designed to operate without a continuous supply of water.
  - (2) Vehicle wash facilities shall have approved water reclamation systems which provide for reuse of a minimum of fifty percent (50%) of the wash water. Hoses, pipes, and faucets for manual application of water to vehicles at such facilities shall be equipped with positive shut-off valves designed to interrupt the flow of water in the absence of operator applied pressure.
  - (3) Water supply piping shall be installed so that each dwelling unit may be served by a separate water meter.

[Amended 1990, Ord. 2481; 1992, Ord. 2576]

**d. Nipomo Mesa Water Conservation Area.** In addition to the requirements in sections a, b and c above, the requirements in paragraphs (1) below shall apply to all new installations in the Nipomo Mesa Water Conservation Area shown in Figure 20-1.

- (1) Sink faucets in all bathrooms and kitchens shall be equipped with automatic shut-off devices. [Added 2006, Ord. 3089]

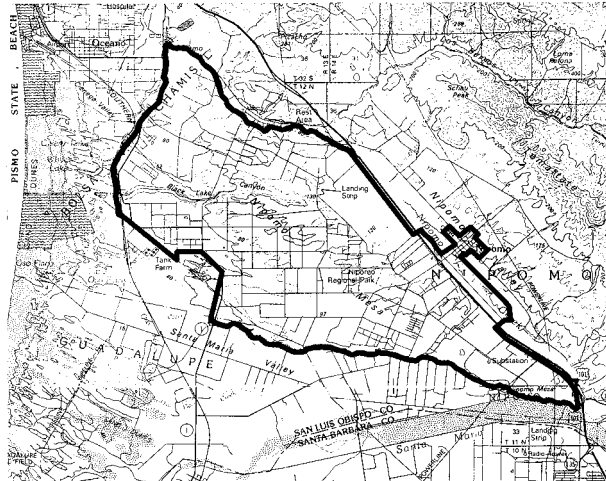


Figure 20-1 - Nipomo Mesa Water Conservation Area

**19.20.250 - Sign Construction.** The construction or installation of all signs shall comply with all applicable provisions of the Land Use Ordinance, Title 22 of this code, or the Coastal Zone Land Use Ordinance, Title 23 of this code, where applicable. [Amended 2005, Ord. 3067]

**19.20.360 - Solar Energy Apparatus.** For the purpose of regulating the construction, installation, alteration, repair, relocation, replacement, maintenance or use of solar energy systems, most recently adopted "Uniform Solar Energy Code", published by the International Association of Plumbing and Mechanical Officials is hereby adopted by and incorporated into this title by reference as though it were fully set forth here, except where otherwise provided in this title. [Amended 1989, Ord. 2433; 1992, Ord. 2576; 2005, Ord. 3067]

**19.20.380 - Swimming Pool and Hot Tub Requirements.** For the purpose of regulating the construction, installation, alteration, addition, repair, relocation, replacement, maintenance or use of swimming pools, spas and hot tubs, the most recently adopted "Uniform Swimming Pool, Spa and Hot Tub Code", published by the International Association of Plumbing and Mechanical Officials is hereby adopted and incorporated into this title by reference as though it were fully set forth here, except where otherwise provided in this title. [Amended 1989, Ord. 2433; 1992, Ord. 2576; 2005, Ord. 3067]

## CHAPTER 40: HOUSING CODE

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### Sections:

### Page:

19.40.010 - Uniform Housing Code Adopted .....	40-1
19.40.020 - Prohibited Structures .....	40-1
19.40.030 - Housing Abatement .....	40-1

**19.40.010 - Uniform Housing Code Adopted:** The housing code published by the International Conference of Building Officials which is entitled the "Uniform Housing Code", 1997 and subsequent editions is hereby adopted and incorporated into this title by reference as though it were fully set forth here, with the exception of Section 203 and Chapters 11, 12, 13, 14, 15 and 16, which are deleted.

[Amended 1989, Ord. 2433; 1992, Ord. 2576; 2005, Ord. 3067]

**19.40.020 - Prohibited Structures.** It shall be unlawful and a violation of this code to use any structure that is prohibited by Section 19.20.026 of this title for housing purposes. [Amended 1992, Ord. 2576]

**19.40.030 - Housing Abatement.** The abatement of substandard, unsafe or dangerous housing shall be accomplished as set forth in Chapter 19.80 of this code.





## CHAPTER 45: INTERIM SCHOOL FACILITIES

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<b><u>Sections:</u></b>	<b><u>Page:</u></b>
19.45.010 - Title .....	45-1
19.45.020 - Purpose .....	45-1
19.45.030 - Authority and Conflict .....	45-2
19.45.040 - Consistency with General Plan Required .....	45-2
19.45.050 - Regulations .....	45-2
19.45.060 - Definitions .....	45-2
19.45.070 - Notification of Conditions of Overcrowding .....	45-4
19.45.080 - Content of Findings and Application Materials .....	45-4
19.45.090 - Board of Supervisors' Public Hearing on Overcrowding .....	45-5
19.45.110 - Dedication of Land or Payment of Fees by Developers .....	45-6
19.45.120 - Processing of Application .....	45-7
19.45.130 - Use of Land and Fees .....	45-9
19.45.140 - Exemptions .....	45-9
19.45.150 - Fee and/or Land Payment .....	45-10
19.45.155 - Coordination With Other Fees .....	45-11
19.45.160 - Refunds of Paid Fees .....	45-11
19.45.170 - Termination .....	45-11
19.45.180 - Accounting and Annual Report .....	45-12
19.45.190 - Planning Director to Interpret Standards and Ascertain Requirements .....	45-12

**19.45.010 - Title.** This chapter shall be known and may be cited as the "Interim School Facilities Ordinance."

**19.45.020 - Purpose.** The purpose of this chapter is to provide a method for financing interim school facilities necessitated by conditions of overcrowding caused by new residential developments.

**19.45.030 - Authority and Conflict.** This chapter is adopted pursuant to the provisions of Chapter 4.7 (commencing with §65970) of Division 1 of Title 7 of the Government Code. In the case of any conflict between the provisions of this chapter and those of chapter 4.7, the latter shall prevail.

**19.45.040 - Consistency with General Plan Required.** The county's general plan provides for the location of public schools. Interim school facilities to be constructed from fees or land required to be dedicated, or both, shall be consistent with the general plan.

## **19.45.050 - 060**

**19.45.050 - Regulations.** The Board of Supervisors may from time to time, by resolution or ordinance, issue regulations to establish fees, administration, procedures, interpretation and policy direction for this ordinance.

**19.45.060 - Definitions.** The following terms shall have the following meanings when used in this chapter:

- a. Attendance area** means that area established by the governing board of the school district, within which children must reside to attend a particular school;
- b. Conditions of overcrowding** means that the total enrollment of a school, including enrollment from proposed development, exceeds the capacity of such school as determined by the governing board of the school district;
- c. Developer** means any person, association, firm, partnership, corporation, other business entity, or public agency establishing, installing, or constructing a residential development;
- d. Dwelling unit** means a building or portion thereof, or a mobile home, designed for residential occupation by one person or a group of two or more persons living together as a domestic unit. Dwelling unit shall not mean room additions to existing residential structures;
- e. Interim facilities** are limited to any of the following:
  - (1)** Temporary classrooms not constructed with a permanent foundation and defined as a structure containing one or more rooms, each of which is designed, intended and equipped for use as a place for formal instruction of pupils by a teacher in a school.
  - (2)** Temporary classroom toilet facilities not constructed with a permanent foundations.
  - (3)** Reasonable site preparation and installation of temporary classrooms.
  - (4)** Land necessary for the placement thereto of any of the facilities described in subsection (1) or (2).
- f. Reasonable methods for mitigating conditions of overcrowding** include, but are not limited to:
  - (1)** The use of all available revenues to the full extent authorized by law;
  - (2)** Attendance area boundary adjustments;
  - (3)** The use of school district property for temporary use buildings;
  - (4)** The temporary or permanent use of other schools in the district not having overcrowded conditions;

**19.45.060 - 070**

- (5) The use of student transportation;
- (6) The use of existing and proposed relocatable structures;
- (7) The full use of funds which could be available from the sale of surplus school district real property;
- (8) Eliminating nonmandated school programs and facilities;
- (9) The use of classroom double sessions;
- (10) The use of year-round school programs; and
- (11) Agreements between a subdivider or builder and the affected school district whereby temporary-use buildings will be leased to the school district or temporary-use buildings owned by the school district will be used; and
- (12) Agreements between the affected school district and other school districts whereby the affected school district agrees to lease or purchase surplus or underutilized school facilities from other school districts.

**g.** Residential development means a project containing residential dwellings, including mobile homes, of one or more units or a division of land for the purpose of constructing one or more residential dwelling units. Residential development includes, but is not limited to:

- (1) A general plan or specific plan, or amendment thereto, which would allow an increase in residential density;
- (2) An ordinance rezoning property to a residential use or to a more intense residential use;
- (3) A tentative or final subdivision map or parcel map, or a time extension for filing a final map;
- (4) A land use permit for a residential development; and
- (5) A building permit.

**19.45.070 - Notification of Conditions of Overcrowding.** Pursuant to Government Code sections 65970 et seq., the governing board of any school district operating an elementary or high school may, with respect to any of its attendance areas located in whole or in part within the unincorporated territory of the County of San Luis Obispo, make and file with the Board of Supervisors written findings supported by clear and convincing evidence:

#### **19.45.070 - 090**

- a.** That conditions of overcrowding exist in the school or schools of such attendance area which will impair the normal functioning of educational programs, including the reasons for the existence of those conditions; and
- b.** That all reasonable methods for mitigating conditions of over- crowding have been evaluated and no feasible method for reducing those conditions exists.

**19.45.080 - Content of Findings and Application Materials.** Findings filed pursuant to section 19.45.070 and application materials shall contain the following:

- a.** A precise description of the geographic boundaries of the attendance areas to which the findings relate;
- b.** A list of the mitigation measures evaluated by the governing board of the school district and a statement of the reasons why such measures were found to be infeasible;
- c.** A summary of the evidence upon which such findings were based;
- d.** A proposed schedule of fees with supporting calculations and data;
- e.** A proposed indemnification agreement in a form approved by the county which includes but is not limited to an agreement by the school district to defend, indemnify, and save harmless the county from any and all claims based on the implementation and operation of this ordinance and any and all challenges to its legal validity;
- f.** A copy of a completed and transmitted application to the Office of Local Assistance for preliminary determination of eligibility under the Leroy F. Green State School Building Lease-Purchase Law of 1976 (Chapter 22 (commencing with Section 17700) of Part 10 of Division 1 of Title 1 of the Education Code);
- g.** A schedule specifying how the school district will use the land or fees, or both, to solve the conditions of overcrowding; and
- h.** Such other information as may be required by regulations adopted by the Board of Supervisors pursuant to this chapter.

#### **19.45.090 - Board of Supervisors' Public Hearing on Overcrowding.**

After receipt of a school district's complete notice of overcrowding pursuant to sections 19.45.070 and 19.45.080 and after the complete notice of overcrowding has been available to the public for at least 60 days after receipt by the county, the Board of Supervisors shall commence a public hearing, and shall thereafter do one of the following:

- a.** Concur in the school district's findings of overcrowding; or

**19.45.090 - 110**

- b.** Request additional information to verify the school district's findings of overcrowding; or
- c.** Reject the school district's findings of overcrowding and inform the school district of the reasons for such rejection.

The Board of Supervisors shall either concur or not concur in the Notice of Overcrowding within 61 to 150 days after the date of receipt of the findings. The Board of Supervisors may extend the period to concur or not to concur for one 30 day period. The date of receipt of the Notice of Overcrowding is the date when all of the materials required by Section 19.45.080 are completed and filed by the school district with the county. If the Board of Supervisors concurs with a school district's findings that conditions of overcrowding exist within an attendance area, the board shall adopt an ordinance specifying (1) its concurrence based upon the evidence provided in the school district's notice and findings, (2) a schedule of fees in accordance with section 19.45.110, and (3) that the facilities to be constructed from the fees or the land to be dedicated, or both, is consistent with the general plan.

#### **19.45.110 - Dedication of Land or Payment of Fees by Developers.**

After the Board of Supervisors' adoption of an ordinance pursuant to Section 19.45.090 and after said ordinance has been in effect for 30 days, no residential development shall be approved in the attendance area described in said notice and findings and ordinance, until the developer has either dedicated land, paid fees, or provided both dedicated land and fees or agreed to dedicate land, pay fees, or provide both dedicated land and fees to the school district as hereinafter provided.

- a. Fees.** The Board of Supervisors shall establish fees by ordinance and may amend such fee schedules from time to time. The maximum fee per dwelling unit may be reduced by the Board of Supervisors in the event the developer is providing a combination of fees and land dedication.

The school district may provide updated information to the Board of Supervisors from time to time which the Board may utilize in electing to adjust fees. Such information may consist of, but is not limited to, new census data for the unincorporated area of the County of San Luis Obispo or portions thereof, school census data for the unincorporated area of the County of San Luis Obispo or portions thereof, new lease and purchase data for relocatables, and changes in classroom maximums or standards. The school district shall also submit a schedule specifying how it will use the adjusted fees to solve conditions of overcrowding.

Only fees shall be required in subdivisions of 50 parcels or less.

The amount of fees to be paid shall bear a reasonable relationship and be limited to the needs of the community for interim elementary or high school facilities and shall be reasonably related and limited to the need for schools caused by the development.

- b. Land dedication.** If the developer and the school district propose to agree to land dedication in lieu of fees or a combination of dedicated land and fees, the Board of Supervisors shall consider the proposal within 30 days of receipt of a written proposal by the school district, and may approve or disapprove the dedication or combination of dedication and fees after considering at least the following factors:

#### **19.45.110 - 120**

- (1) Whether lands offered for dedication will be consistent with the general plan;
- (2) The topography, soils, soil stability, drainage, access, location and general utility of land in the development available for dedication;
- (3) Any recommendations made by affected school districts concerning the location and amount of lands to be dedicated; and
- (4) Whether the location and amount of lands proposed to be dedicated or the combination of dedicated land and fees will bear a reasonable relationship and be limited to the needs of the community for interim elementary and/or high school facilities and will be reasonably related and limited to the need for schools caused by the development.

**19.45.120 - Processing of Application.** Prior to issuance of a building permit or first approval of a residential development which is located in whole or in part in an attendance area where an elementary or high school or both have been determined to be overcrowded pursuant to this chapter, the applicant shall present to the planning director evidence of one of the following:

- a. **Payment of fee:** Written certification from the affected school district that the applicant has paid and the school district has accepted the fees required by ordinance of the Board of Supervisors pursuant to Section 19.45.110 to enable issuance of a building permit pursuant to Section 19.45.150;
- b. **Agreement to pay fees at the time of building permit:** An agreement in writing with the affected school district by which the applicant agrees to pay to the school district and the school district agrees to accept the fees required by ordinance of the Board of Supervisors adopted pursuant to section 19.45.110 which is in effect at the time the applicant applies for a building permit or any other land use permit for a residential development which does not require a building permit. The agreement shall also provide that the applicant will pay such fees at the time the building permit is issued to the applicant or at the time a land use permit for a residential development which does not require a building permit is approved for the applicant;
- c. **Agreement to dedicate land:** An agreement in writing with the affected school district by which the applicant agrees to dedicate to the school district and the school district agrees to accept land to be used to relieve the overcrowding in the district's schools as an alternative to payment of fees under subsection a above. Such agreement shall include the legal description of the property and a promise to convey the property to the school district by grant deed at the time of issuance of the building permit to the applicant or approval of any other land use permit for the applicant for a residential development which does not require a building permit;
- d. **Agreement to dedicate land and pay fees:** An agreement in writing with the affected school district by which the applicant agrees to both dedicate land and pay fees to the school district and the school district agrees to accept the combination of dedicated land and fees to relieve the overcrowding in the district's schools as an alternative to only the payment of fees under subsection a above and to only the dedication of land under subsection b above. Such agreement shall include

**19.45.120 - 130**

the legal description of the property to be dedicated and a promise to convey the property and pay the fees at the time of the issuance of the building permit to the applicant or the approval of a land use permit for the applicant for residential development which does not require a building permit. The amount of the fees shall be determined by the Board of Supervisors pursuant to section 19.45.110; or

**e. Statement of overriding factors:**

- (1)** A written statement from the applicant, with supporting documentation, that there are specific overriding fiscal, economic, social or environmental factors benefiting the county which will justify the approval of such development without compliance with the fee payment or land dedication requirements of this chapter. If the applicant provides such a statement of overriding factors, the planning director shall place the matter on the agenda of the Board of Supervisors to be considered not less than 30 days after receipt of the statement, and shall give the school district at least 10 days written notice of the date of consideration along with a copy of the statement. If the Board of Supervisors agrees that overriding factors benefiting the county justify approval without the payment of fees or dedication of land, it shall direct the planning director to continue processing the application. If the Board of Supervisors finds that there are not sufficient overriding factors, it shall direct the planning director to take no further action to process the application until the documentation required by subsections a, b, c or d has been provided.
- (2)** A voluntary agreement between the applicant for a residential development and the school district to mitigate the impacts of overcrowding caused by the residential development by paying to the school district an amount of money equal to the total amount of fees the applicant would pay for the same residential development under the provisions of this chapter shall constitute an overriding factor.

If the applicant referred to in subsections a through e of this section alienates the property or any portion thereof prior to applying for a building permit or a land use permit for a residential development which does not require a building permit, the successor or successors in interest who apply for a building permit or land use permit for a residential development which does not require a building permit for said property or any portion thereof shall be obligated under the provisions of this chapter to pay fees, dedicate land, or both.

The planning director shall refuse to process an application for a residential development or a portion thereof which is within a school attendance area in which the Board of Supervisors has found that conditions of overcrowding exist, until the applicant has complied with this section.

**19.45.130 - Use of Land and Fees.** All land or fees, or both collected by a school district pursuant to this ordinance shall be used only for the purpose of providing interim elementary or high school classroom and related facilities.

## **19.45.140 - 150**

**19.45.140 - Exemptions.** Residential development shall be exempt from the requirements of this ordinance when it consists of any one or more of the following:

- a.** Any modification or remodeling of an existing legally established dwelling unit;
- b.** Replacement of existing dwelling units by demolition and reconstruction of the same number of units with the same number of bedrooms, or relocation of a dwelling unit within the same attendance area of the school district;
- c.** The proposed development is located within a redevelopment area designated by a redevelopment agency pursuant to the Community Redevelopment Law, Health and Safety Code section 33000 et seq.;
- d.** A condominium project converting an existing apartment building into condominiums where no new dwelling units are added or created;
- e.** Any rebuilding of a legally established dwelling unit destroyed or damaged by fire, explosion, act of God or other accident or catastrophe;
- f.** Any rebuilding of a historical building recognized, acknowledged and designated as such by the county Planning Commission or Board of Supervisors;
- g.** Any residential development where the Board of Supervisors finds pursuant to section 19.45.120e(1) that there are specific overriding fiscal, economic, social or environmental factors benefiting the county which in the sole judgment of the Board of Supervisors would justify the approval of such development without the payment of fees or dedication of land.
- h.** Any residential development pursuant to Section 19.45.120e(2) where the applicant for the residential development and the school district enter into a voluntary agreement to mitigate the impacts of overcrowding caused by the residential development by paying to the school district an amount of money equal to the total amount of fees the applicant would pay under the provisions of this chapter for the same residential development.
- i.** A residential development on property which was the subject either as a whole or as part of a larger property of a prior finding of exemption under section 19.45.120e(2) and subsection h of this section based on the actual mitigation of the impacts of overcrowding caused by the development.

**19.45.150 - Fee and/or Land Payment.** If the payment of fees is required, such payment shall be made by the developer to the school district prior to issuance of the building permit or other land use permit for a residential development which does not require a building permit.

Where land is to be made available, the developer shall provide a recordable written agreement to the school district which grants to the school district exclusive use of the land.



Upon receiving the fees and/or recordable agreement, or both, the school district shall notify the county Planning Director in writing of such receipt. The form of notification shall consist of a letter from the school district superintendent certifying that all obligations to pay fees or dedicate land under this chapter have been satisfied, and identifying the name of the building permit applicant, the assessor's parcel number of the property and the number of dwelling units for which the fees have been paid or the land has been dedicated. No building permit or other land use permit for residential development which does not require a building permit shall issue until such notification is received by the Planning Director.

**19.45.155 - Coordination with Other Fees.** A school district which is levying a fee, charge, dedication, or other form of requirement against any development project pursuant to Government Code section 53080, subdivision (a), and also qualified to collect a fee, dedication, or both pursuant to this Chapter shall levy pursuant to Government Code section 53080, subdivision (a), to the fullest extent allowed by law to mitigate conditions of overcrowding before the collection of a fee, dedication, or both pursuant to this Chapter.

**19.45.160 - Refunds of Paid Fees.** If a residential development approval is vacated or voided and if the affected school district still retains the land or fees collected therefor, and if the applicant so requests in writing, the governing body of the school district shall order the land or fees returned to the applicant.

**19.45.170 - Termination.** As soon as overcrowding conditions cease to exist or reasonable methods of mitigating conditions of over-crowding are feasible, the school district shall immediately notify the Board of Supervisors. Upon receiving such notice, or upon Board of Supervisors' determination that overcrowding conditions cease to exist or that reasonable methods for mitigating conditions of overcrowding are feasible, the Board of Supervisors shall cease the requirement of fees or land dedication required by this chapter. If the school district has money from fees previously paid into its interim school facility account after overcrowding conditions cease to exist or reasonable methods for mitigating conditions of overcrowding are feasible, it shall apply such fees to mitigate future overcrowded conditions in the same attendance area for which the fees were collected; provided, however, if overcrowded conditions do not occur in said attendance area within five years from the date of when overcrowded conditions cease to exist, such fees may be applied to relieve overcrowded conditions in other attendance areas within the school district.

**19.45.180 - Accounting and Annual Report.** Any school district receiving funds or land pursuant to this ordinance shall maintain a separate account for any funds paid and shall file a report with the Board of Supervisors on the balance in the account at the end of the previous fiscal year and the facilities leased, purchased or constructed, and the dedication of land during the previous fiscal year. In addition, the reports shall specify which attendance areas will continue to be overcrowded when the fall term begins and when and where conditions of overcrowding will no longer exist. If the report identifies attendance areas which will continue to be overcrowded, the report shall set forth a detailed explanation as to why the utilization of Government Code section 53080 levies in conjunction with all other reasonable methods for mitigating conditions of overcrowding so that the imposition of fees, dedications, or both pursuant to this Chapter will no longer be necessary. The report shall be filed by October 1st of each year and shall be filed more frequently if requested by Board of Supervisors. The county may, at any reasonable time, cause an independent audit to be conducted of the fees collected by the governing board of the school district for the purposes authorized by this section.

## **19.45.190**

### **19.45.190 - Planning Director to Interpret Standards and Ascertain Requirements.**

- a.** On written request of any officer or body of the county responsible for application of requirements for payment of fees or dedication of land as a condition of approval of a residential development, the Planning Director shall interpret the standards established by the Board of Supervisors and ascertain the requirements appropriate to the residential development in question, and report the same to such officer or body.
- b.** In case of any dispute or uncertainty with respect to the meaning or proper application of any standards established under this chapter, including but not limited to the amount of fees to be paid, or the size, shape or location of land to be dedicated, the applicability of such standards to a particular project or part thereof, or with respect to the amount or manner of crediting for fees previously paid or land previously dedicated, the matter shall be submitted in writing to the Planning Director for his decision.
- c.** The Planning Director shall make his decision in any matter mentioned in this section within 10 days after its submission to him, and shall within 7 days after his decision declare such decision and give notice in writing thereof to the applicant, to any affected school district, and to any county officer or body responsible for application of such requirements in the particular case.
- d.** The decision of the Planning Director made pursuant to this section may be appealed to the Board of Supervisors by an applicant or any aggrieved person or reviewed by the Board of Supervisors on its own motion. Such appeal or review shall be scheduled for consideration at a regular meeting of the Board of Supervisors. An appeal shall be filed with the Planning Director in the form of a letter setting forth the reasons for the appeal. When an appeal has been filed, or the Board of Supervisors has voted to review his decision, the Planning Director shall prepare a report on the matter. When an appeal has been filed, the Planning Director shall schedule the appeal for consideration by the Board of Supervisors at a regular meeting of the Board of Supervisors not more than 30 days from the date the Planning Director receives the appeal letter. When an appeal is filed or the Board of Supervisors orders a review of the Planning Director's decision, the County Clerk not less than 10 days before the consideration shall mail written notice of the time and place of the consideration by the Board of Supervisors to all applicants and also to all aggrieved persons who have filed appeals.
- e.** The Board of Supervisors shall consider the decision of the Planning Director and render a final decision and interpretation on the matter. The decision and interpretation of the Board of Supervisors shall be final.

## CHAPTER 60: MOBILEHOME INSTALLATION

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### **Sections:**

### **Page:**

19.60.010 - Purpose .....	60-1
19.60.020 - Definition of Terms .....	60-1
19.60.030 - Compliance with Land Use Standards Required .....	60-1
19.60.040 - Permit Required .....	60-2
19.60.050 - Limitation on the Type of Mobilehomes Allowed .....	60-3
19.60.060 - Utilities .....	60-3
19.60.070 - Manufacturers Installation Instructions .....	60-3
19.60.080 - Installation Standards .....	60-3
19.60.090 - Conversion to a Permanent Structure .....	60-4
19.60.100 - Abatement of Illegal & Substandard Mobilehomes .....	60-4

**19.60.010 - Purpose.** The purpose of this chapter is to provide comprehensive regulations to assure that all mobilehomes installed within the unincorporated areas of San Luis Obispo County outside of mobilehome parks are in compliance with all applicable provisions of state law and this code. (The authority to administer and enforce applicable mobile home regulations within mobilehome parks is vested with the California State Department of Housing and Community Development.)

**19.60.020 - Definition of Terms.** The definitions of terms used in this chapter shall be as all such terms are now or may hereafter be defined in the Mobilehome Parks Act, part 2.1 of Division 13 of the Health and Safety Code, Section 18200 et seq. and in Title 25 of the California Code of Regulations, Section 5000 et seq. [Amended 1989, Ord. 2433]

**19.60.030 - Compliance with Land Use Standards Required.** All mobilehomes installed within the unincorporated areas of San Luis Obispo County shall comply with all applicable provisions of this title, the Land Use Ordinance (Title 22 of this code), the Coastal Zone Land Use Ordinance (Title 23 of this code), the California Mobilehome Parks Act and regulations enacted pursuant thereto, and all other applicable provisions of this code, except where otherwise provided by this chapter. [Amended 2005, Ord. 3067]

**19.60.040 - Permit Required.** As provided by Section 18613 of the California Health and Safety Code, installation or relocation of a mobilehome outside a state-licensed mobilehome park, travel trailer park, recreational vehicle park or temporary trailer park shall first be authorized by an installation permit issued by the Planning Department. The issuance, validity, expiration, suspension or revocation of mobilehome installation permits, and inspections performed under such permits, are subject to Section 302 et seq. of the Uniform Administrative Code.

#### 19.60.040 - 060

- a. **Issuance of permit.** A permit to install the mobilehome shall be issued only when plans and specifications submitted with the application show that the mobilehome and completed installation will conform to the requirements of Section 19.60.030. No installation permit shall be issued for a mobilehome which the Building Official believes or has cause to believe constitutes a substandard mobilehome as defined by Title 25, Section 5000 et seq. of the California Code of Regulations.
- b. **Additional permits required.** Issuance of a permit for the installation of a mobilehome as provided in this chapter does not relieve the permittee from the duty of obtaining any other permit required by law, including those required by the Land Use Ordinance. Building permits for accessory structures may be obtained with the original mobilehome installation permit, or they may be applied for separately.
- c. **Application contents.** Applications for mobilehome installation permits shall include the forms provided by the Department of Planning and Building, all information set forth in Section 22.02.030 of the Land Use Ordinance (Plot Plan) and the following:
  - (1) A description (including the location) of any proposed accessory structures, including cabanas, carports, garages, porches and any other use areas or structures on the site;
  - (2) Plans and specifications of the support system, stabilizing devices or support structure for the mobilehome, including their design loads;
  - (3) The manufacturer's installation instructions for mobilehomes bearing the Department of Housing and Community Development's insignia of approval and manufactured after October 7, 1973, including the designed roof and horizontal live loads;
  - (4) All other information required by law to be contained in the application;

[ Amended 1989, Ord. 2433]

**19.60.050 - Limitation on Type of Mobilehomes Allowed.** Mobilehome installation permits shall be issued only to mobilehomes bearing an Insignia of Approval, as required by Title 25 of the California Code of Regulations. [Amended 1989, Ord. 2433]

**19.60.060 - Utilities.** Utility facilities for the mobilehome shall be provided on the site before installation of a mobilehome for human habitation or occupancy. A sewer drain inlet connected to an approved sewage disposal system, and installations and equipment for supplying water, electricity and fuel for heating purposes shall be completed and ready for connecting the mobilehome. All such connections shall comply with the provisions of this chapter and of Title 25 of the California Code of Regulations regarding mobilehome installation. [Amended 1989, Ord. 2433]

**19.60.070 - Manufacturer's Installation Instructions.** Pursuant to Title 25 of the California Code of Regulations, mobilehomes manufactured on or after October 7, 1973, shall be installed in accordance with the manufacturer's installation instructions. [Amended 1989, Ord. 2433]

**19.60.080 - Installation Standards.** A mobilehome shall be installed on site as provided by this section, with the following completed before final approval:

- a. All mobilehomes not installed with a perimeter foundation wall shall be skirted with material matching the mobilehome or other material as approved by the building official;
- b. All mobilehomes installed on foundation systems shall comply with the requirements of Title 25 of the California Code of Regulations;
- c. All accessory structures shall meet all applicable requirements of this code and applicable State law and regulations;

[Amended 1988, Ord. 2351; 1989, Ord. 2433]

**19.60.090 - Conversion to a Permanent Structure.** A mobilehome may be converted to a permanent structure through removal of wheel and towing assemblies, removal of state insignia, structural modifications to the coach or the attachment of other enclosed structures to the exterior of the coach only when:

- a. A building permit is first obtained in accordance with all applicable provisions of Chapter 19.04 of this title; and
- b. The mobilehome and all additional construction are brought into conformity with all applicable provisions of this title and the technical codes adopted by reference in Chapter 19.20 of this title.

**19.60.100 - Abatement of Illegal and Substandard Mobilehomes:** Whenever any mobilehome or recreational vehicle has been found by the building official to be illegal and/or substandard, as such terms are used and/or defined in Title 25 of the California Code of Regulations, the building official shall notify the California State Department of Housing and Community Development for abatement purposes. In the event the state insignia of approval is removed from the mobilehome, the building official may institute abatement proceedings pursuant to Section 19.01.200 of this title. [Amended 1989, Ord. 2433]



## CHAPTER 65:        MOVED BUILDINGS

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<u>Sections:</u>	<u>Page:</u>
19.65.005 - Technical Code Compliance .....	65-1
19.65.010 - Permit Required .....	65-1
19.65.012 - Relocation on the Same Site .....	65-1
19.65.014 - Structures Restricted from Permits .....	65-2
19.65.016 - Application and Preliminary Inspection .....	65-2
19.65.018 - Posting of Property .....	65-3
19.65.020 - Referral to Board of Construction Appeals .....	65-4
19.65.022 - Permit Issuance .....	65-5
19.65.024 - Completion of Work .....	65-5

**19.65.005 - Technical Code Compliance.** Buildings, structures and their building service equipment moved into or within this jurisdiction shall comply with the provisions of the technical codes and this title for new buildings or structures and their building service equipment. Moved buildings shall also comply with the minimum thermal insulation requirements of Title 24 of the California Code of Regulations. Exception: Residential Occupancy Structures.

[Amended 1990, Ord. 2481; 1992, Ord. 2576; 2005, Ord. 3067]

**19.65.010 - Permit Required.** No person shall relocate on or move onto any parcel, any building, house or other structure, except a contractor's tool house, construction building or similar structure which is moved as construction requires, and except structures exempted from building permits by Uniform Administrative Code Section 301(b)1.A, until a permit for such moving and any proposed or required alterations, repairs and additions, is first obtained from the Department of Planning and Building. Transit permits are required by both the County Engineering Department and the California State Department of Transportation (Caltrans) for moving buildings on public roads. [Amended 1989, Ord. 2433]

**19.65.012 - Relocation on the Same Site.** Buildings or structures proposed to be relocated within the same site shall comply only with Sections 19.65.010 (Permit required), 19.65.014 (Structures restricted from permits), 19.65.016 (Application and preliminary inspection) and 19.65.024 (Completion of work).

**19.65.014 - Structures Restricted from Permits.** Except as otherwise provided in this chapter, the building official shall not issue a moving permit for any building or structure which:

- a. Is so constructed or is in such condition as to be dangerous;
- b. Is infested with pests or is unsanitary;
- c. If it be a dwelling for habitation, is unfit for such use;

#### 19.65.014 - 016

- d. Is so dilapidated, defective, unsightly or in such condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district within a radius of 1000 feet from the proposed site;
- e. Is intended for a use that is not allowed on the site by the Land Use Ordinance or any other applicable provision of law;
- f. Is of a type prohibited at the proposed location by this or by any other law or ordinance.

If, in the judgement of the building official, the condition of the building or structure can be feasibly and effectively repaired, a moving permit may be issued subject to conditions that will ensure renovation of the building to the point that it will satisfy all applicable provisions of this title.

#### 19.65.016 - Application and Preliminary Inspection:

- a. **Application content.** Every application to the building official for a moving permit shall use the form furnished by the building official and shall include such additional information as the building official may reasonably require in order to carry out the purpose of this chapter, including but not limited to the following:
  - (1) The locations and addresses of the old and proposed new sites;
  - (2) A plot plan of the new site indicating all dimensions and setbacks;
  - (3) Photographs of the structure;
  - (4) Plans and specifications giving the proposed improvements and remodeling of such building or structure at the new site. Plans shall contain drawings and specifications to show that the building will fit in harmoniously as to type, character, size and value with other buildings in the neighborhood of the proposed site; they shall include a foundation plan, floor framing plan(s), and roof framing plan; where the building is to be moved in sections, they shall include details showing how the sections are to be joined; and  
[Amended 1990, Ord. 2481]
  - (5) A pest inspection report prepared by a California state- licensed inspector.
- b. **Inspection.** Within 14 days after the receipt of the moving permit application and fee, the building official will inspect the building or structure proposed to be moved. The applicant shall make the building or structure available for inspection at such reasonable time as requested by the building official. The applicant shall be prepared to remove any material or covering on the building or structure as may be directed by the building official to enable inspection. The applicant shall also be prepared to perform any test required by the building official to verify the safety, code compliance, structural integrity, or suitability for moving of the building or structure. The applicant shall also be prepared to provide calculations and analysis of any portion of the building or structure prepared by a licensed architect or engineer when required by the building official. Within a reasonable time after inspection, the building official shall prepare a report setting forth any corrections required to bring the building or structure into compliance with this chapter, or denying the application for moving permit. A copy of such report shall be provided the applicant.



- c. **Fees.** A relocation investigation fee as specified in the county fee ordinance shall accompany the application for moving permit. Such fee shall be in addition to the building, plan checking, plumbing, mechanical and electrical permit fees.

**19.65.018 - Posting of Property.** Except where the application for moving permit is denied, within five days after completion of the report specified in Section 19.65.016b, the building official shall post a notice on the site where the building is proposed to be relocated for a minimum of 10 business days before the issuance of any permits to move the subject building or structure. Such notice shall state:

- a. The date of the posting of the notice;
- b. That a building or structure is proposed to be moved to the proposed site;
- c. The present address or location of the building or structure proposed to be moved;
- d. The name and address of the person, firm or corporation proposing to move the structure;
- e. That plans and specifications for any construction, remodeling or renovation in conjunction with the moving of the building may be reviewed by interested persons at the Planning Department; and
- f. That any person owning property within 1000 feet of the site to which the building or structure is proposed to be moved, may within 10 business days of the date of the posting, file a written protest with the building official setting forth specific reasons for their protest.

**19.65.020 - Referral to Board of Construction Appeals.** If a written protest is filed pursuant to Section 19.65.018f, the application shall be referred to the Board of Construction Appeals for consideration at their next regularly scheduled meeting, where the Board of Construction appeals may:

- a. Approve or disapprove an application for a permit to move any building or structure into or within the county, on the basis of whether the building or structure will be compatible with the character of the neighborhood into which it is proposed to be moved; or
- b. Impose additional conditions on the approval of a moved building permit application to ensure compliance of the relocated building or structure with all applicable provisions of this title; or
- c. Modify or delete conditions imposed by the building official on the approval of a moved building permit; or
- d. Deny the application on the basis that the proposed building or structure would not comply with the provisions of Section 19.65.014.

The findings and decision of the Board of Construction Appeals shall be delivered in writing to the person, firm or corporation proposing to move the building or structure. The decision of the Board of Construction appeals shall be final.

## 19.65.022 - 024

**19.65.022 - Permit Issuance:** No work to move a building or structure proposed to be relocated shall be started until the required permits are issued as follows:

- a. **Building permit.** Unless a protest has been filed pursuant to Section 19.65.018f, a building permit authorizing relocation of the structure may be issued by the building official after the 10-day posting period provided by Section 19.65.018, provided that the building official first determines that the building or structure is or will be brought into conformity with all applicable provisions of this title, including the technical codes adopted by reference in Chapter 19.20 of this title.
- b. **Other required permits.** Upon issuance of the building permit pursuant to subsection a. above, the building official may also issue any applicable plumbing, electrical and mechanical permits for the structure to be relocated.

**19.65.024 - Completion of Work.** All work, including any repairs to public property, shall be completed within 180 days after issuance of the building permit. Upon written request and for good cause, the building official may grant a reasonable extension of time to complete the work. If the work is not completed within the time limit set by this section and any extensions of time, building official may bring action under the Housing Code pursuant to Chapter 19.40 of this title, the Dangerous Buildings Code pursuant to Chapter 19.80 or cause the building or structure to be declared a nuisance and abated as such.

## CHAPTER 80: SUBSTANDARD & DANGEROUS BUILDINGS

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<u>Sections:</u>	<u>Page:</u>
19.80.010 - Adoption of the Uniform Code for the Abatement of Dangerous Buildings . . . . .	80-1
19.80.020 - Dangerous Buildings Defined . . . . .	80-1
19.80.030 - Dangerous Buildings Declared Public Nuisances . . . . .	80-2
19.80.040 - Abatement Procedures . . . . .	80-2
19.80.050 - Emergency Procedure . . . . .	80-2
19.80.060 - Abatement Notices - Dangerous Buildings Code Amended . . . . .	80-2
19.80.070 - Abatement by the County . . . . .	80-4
19.80.080 - Service of Decision of Board of Construction Appeals . . . . .	80-5
19.80.090 - Cost of County Service . . . . .	80-5
19.80.100 - Interference Prohibited . . . . .	80-7

**19.80.010 - Adoption of Uniform Code for the Abatement of Dangerous Buildings.** For the purpose of regulating the abatement of unsafe and dangerous buildings, the most recently adopted editions of the "Uniform Code for the Abatement of Dangerous Buildings", published by the International Conference of Building Officials is hereby adopted and incorporated into this title by reference as though it were fully set forth here, except for Section 205 and Chapters 8 and 9, and except where otherwise provided by this chapter. For the purposes of this chapter, the Uniform Code for the Abatement of Dangerous Buildings may be cited as the "Dangerous Buildings Code".

[Amended 1989, Ord. 2433; 1992, Ord. 2576; 2005, Ord. 3067]

**19.80.020 - Dangerous Buildings Defined.** In addition to the conditions identified by Section 302 of the Dangerous Buildings Code as constituting a dangerous building, and in addition to the conditions identified in California Health and Safety Code Section 17920.3 as constituting a substandard building, all buildings or structures which exhibit any of the following conditions shall also be deemed to be dangerous buildings:

- a. Any building that constitutes a fire hazard;
- b. Any building that is otherwise dangerous to human life; or
- c. Any building that is determined by the building official to be located in an area that is unsafe due to hazard from landslide, settlement, slippage or any other cause.

## 19.80.030 - 060

**19.80.030 - Dangerous Buildings Declared Public Nuisances:** All buildings defined as dangerous by Section 19.80.020 of this chapter or Section 302 of the Dangerous Buildings Code are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in the Dangerous Buildings Code or, at the discretion of the building official, in accordance with the procedure specified in Sections 19.01.200 of this title (Enforcement).

**19.80.040 - Abatement Procedures.** The abatement of substandard and dangerous buildings shall be accomplished by the building official as set forth in the Uniform Code for the Abatement of Dangerous Buildings, except as otherwise provided in this chapter.

**19.80.050 - Emergency Procedure:** As authorized by Government Code Section 25845, whenever any portion of a structure constitutes an immediate hazard to life, limb, property or safety of the public or the occupants of the structure, and in the opinion of the building official the conditions are such that repairs or demolition must be undertaken within less than the periods designated by the Dangerous Buildings Code, he may immediately make such alterations or repairs, or demolish such portions of the structure as are necessary to protect life or property, or both. The building official shall file notice in accordance with the Dangerous Buildings Code as the circumstances will permit or without any notice whatever when, in his opinion, immediate action is necessary. [Amended 2005, Ord. 3067]

## 19.80.060 - Abatement Notices - Dangerous Buildings Code Amended:

- a. Section 401(b)3. of the Dangerous Buildings Code (Notice & Order) is hereby amended by adding a new paragraph 402.3.(iv) to read as follows:

"(iv) In the event the building official requires vacation and repair or vacation and demolition, a statement that the owner has the choice of demolishing or repairing the dangerous building and that such choice must be submitted to the building official in writing within 10 days of the date of the notice and order, along with a proposed schedule for repair for consideration and approval by the building official, if the owner chooses to repair. A statement that the building official may require vacation and demolition or may institute any appropriate action or proceeding to cause the building to be vacated, repaired or demolished if any of the following events occur:

- (1) The repair work is not done in accordance with the schedule approved by the building official.
- (2) The owner does not make a timely choice of repair or demolition.
- (3) The owner selects an option which cannot be completed within a reasonable period of time as determined by the building official, for any reason, including but not limited to an outstanding judicial or administrative order.

- b. Section 401.2 of the Dangerous Buildings Code (Notice and Order) is hereby amended by adding new subsection 401.2.66 to read as follows:

"6. In the case of structures used as dwellings, a statement that in accordance with Sections 17274 and 24436.5 of the California Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in that taxable year for substandard rental housing."

- c. Section 401.3 of the Dangerous Buildings Code (Service of Notice and Order) is hereby amended by adding a new final paragraph to read as follows:

"In the case of structures used as dwellings, the notice and order, any amended or supplemental notice and order, and notice of any building or demolition permit issued following the abatement order of the building official shall also be served upon tenants of residential buildings. Such notice may be provided either by first class mail to each affected residential unit or by posting a copy of the notice in a prominent place on the affected residential unit."

- d. Section 403 1. of the Dangerous Buildings Code is hereby amended by adding a new final sentence to read as follows:

"If the owner chooses to repair, the building official shall require that the building be brought into compliance according to a reasonable and feasible schedule for expeditious repair."

- e. Section 403 of the Dangerous Buildings Code is hereby amended by adding a new paragraph 3. to read as follows:

"3. The building official shall not require vacating of a residential building unless it concurrently requires expeditious demolition or repair to comply with this title or the Building Standards published in the State Building Standards Code. The owner shall have the choice of repairing or demolishing. However, if the owner chooses to repair, the building official shall require that the building be brought into compliance according to a reasonable and feasible schedule for expeditious repair. The building official may require vacation and demolition or may institute any appropriate action or proceeding to cause the building to be vacated, repaired or demolished if any of the following events occur:

- (1) The repair work is not done in accordance with the schedule approved by the building official.
- (2) The owner does not make a timely choice of repair or demolition.
- (3) The owner selects an option which cannot be completed within a reasonable period of time, as determined by the building official, for any reason, including but not limited to, an outstanding judicial or administrative order.

#### 19.80.060 - 080

In deciding whether to require vacation of the building or repair as necessary, the building official shall give preference to the repair of the building whenever it is economically feasible to do so without having to repair more than 75 percent of the dwelling, as determined by the building official, and shall give full consideration to the needs for housing as expressed in the Housing Element of the San Luis Obispo County General Plan where applicable."

[Amended 2005, Ord. 3067]

**19.80.070 - Abatement by the County.** Section 701.3.3 of the Dangerous Buildings Code is hereby deleted and replaced to read as follows:

"3. In the event that the repairs or demolition or vacation necessary to remove or correct the unsafe conditions as set forth in the notice and order served pursuant to Chapter 4 of the Dangerous Buildings Code are not made within the designated time period and an appeal has not been requested, or in the event that the decision of the Board of Construction Appeals, issued pursuant to Chapter 5 and 6 of the Dangerous Buildings Code, is not complied with within the period designated in the decision, the building official may, in addition to any other remedy herein provided, apply to the Board of Supervisors for an order that the County cause the building to be vacated where necessary and repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order or decision of the Board of Construction Appeals Board or, if the notice and order or decision of the Board of Construction Appeals required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this chapter. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.

Notice of any application to the Board of Supervisors pursuant to this Section and any order of the Board of Supervisors issued pursuant to this Section shall be served upon the parties set forth in Section 401.3 of the Dangerous Buildings Code as amended by this chapter and shall be served in the manner provided in Section 401.4 of the Dangerous Buildings Code."

[Amended 2005, Ord. 3067]

**19.80.080 - Service of Decision by Board of Construction Appeals:** Section 605.7 of the Dangerous Buildings Code is hereby amended by deleting the last sentence and adding the following sentence to read:

"The decision shall be served on the parties set forth in Section 401.3 of the Dangerous Buildings Code as amended by this chapter and shall be served in the manner provided in Section 401.4 of the Dangerous Buildings Code."

[Amended 2005, Ord. 3067]

**19.80.090 - Cost of County Service.** The cost of any demolition or repair carried out under Section 19.80.070 including the entire cost of the services rendered by the County shall be charged against the real property which is the site of the structure, except as provided in this Section.

- a. Account of costs and receipts and notice of assessment: The building official will keep an itemized account of the costs of enforcing the provisions of this ordinance, and of the proceeds of the sale of any materials connected therewith. Upon completion of abatement, the building official is to prepare a notice to be served as provided in § 401.3 and 401.4 of the Dangerous Buildings Code, specifying:
  - (1) The work done.
  - (2) An itemized account of the costs and receipts of performing the work.
  - (3) An itemized account of the proceeds of sale of any materials removed.
  - (4) An address, legal description, or other description sufficient to identify the premises.
  - (5) The amount of the assessment proposed to be levied against the premises, or the amount to be refunded, if any, due to excess proceeds over expenses.
  - (6) The time and place where the building official will submit the account to the Board of Supervisors for confirmation. The time and place specified shall be not less than 15 days after service of the notice.
  - (7) A statement that the Board of Supervisors will hear and consider objections and protests to said account and proposed assessment or refund.
- b. **Hearing on account and proposed assessment:** At the time and place fixed in the notice, the Board of Supervisors will hear and consider the account and proposed assessment, together with objections and protests thereto. At the conclusion of the hearing, the Board may make such modifications and revisions of the proposed account and assessment as it deems just, and may order the account and proposed assessment confirmed or denied, in whole or in part, or as modified and revised. The determination of the Board as to all matters contained therein is final and conclusive. The Board of Supervisors may, at such hearing, order that the cost of abatement be specially assessed against the parcel, if the record owner does not pay the costs of abatement within 15 days after the confirmation hearing and that a notice of abatement lien be recorded if payment is not made within that time.
- c. **Notice of abatement lien:** Upon confirmation of an assessment by the Board, the building official is to prepare and have recorded in the office of the County Recorder of San Luis Obispo County a notice of abatement lien. The notice is to contain:
  - (1) The record owner or possessor of the property.

#### 19.80.090 - 100

- (2) The last known address of the record owner or possessor of the property.
  - (3) The date upon which the abatement of the nuisance was ordered by the Board of Supervisors.
  - (4) The date the abatement was complete.
  - (5) A legal description, address and/or other description sufficient to identify the premises.
  - (6) A description of the proceeding under which the special assessment was made, including the order of the Board confirming the assessment. [Amended 2005, Ord. 3067]
  - (7) The amount of the assessment.
  - (8) A claim of lien upon the described premises.
- d. **Lien:** Upon the recordation of a notice of abatement lien, the amount claimed shall constitute a lien upon the described premises, pursuant to Section 25845 of the Government Code. Such abatement lien is to be at a parity with the liens of State and County taxes. Such lien has the same effect as recordation of an abstract of a money judgment recorded pursuant to Article 2 (commencing with Section 697.310) of Chapter 2 of Division 2 of Title 9 of Part 2 of the California Code of Civil Procedure. The lien created has the same priority as a judgment lien on real property and continues in effect until released.
- e. **Collection with ordinary taxes:** After recordation, the Notice of Abatement Lien is to be delivered to the County Auditor, who will enter the amount of the lien on the assessment roll as a special assessment. Thereafter the amount set forth is to be collected at the same time and in the same manner as ordinary County taxes, and is subject to the same penalties and interest, and to the same procedures for foreclosure and sale in case of delinquency, as is provided for ordinary County taxes; all laws applicable to the levy, collection and enforcement of County taxes are hereby made applicable to such assessment.

[Amended 2005, 3067]

**19.80.100 - Interference Prohibited:** No person shall hinder, interfere with or impede the Enforcement Officer in the performance of duties assigned by this title, or other titles of this code.



## CHAPTER 90: UNREINFORCED MASONRY BUILDINGS

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### Sections:

### Page:

19.90.010 - Uniform Code for Building Conservation Adopted .....	90-1
19.90.020 - Seismic Zone .....	90-1
19.90.030 - Administrative Provisions .....	90-1

**19.90.010 - Uniform Code for Building Conservation Adopted.** The 1991 and subsequent editions of the Uniform Code for Building Conservation Appendix Chapter 1 (Seismic Strengthening Provisions for Unreinforced Masonry Buildings) as published by the International Conference of Building Officials is hereby adopted and incorporated into this title by reference as though it were fully set forth herein, except as otherwise noted in this title.

**19.90.020 - Seismic Zone.** Each site shall be assigned to Seismic Zone 4 except as provided for in this section. The Administrative Authority may reassign a site to an alternate seismic zone for either of the following reasons:

- a. Where a building under County jurisdiction is located within an area that has been designated by an incorporated city to be in a seismic zone other than zone 4.
- b. Where a detailed analysis by a registered engineering geologist or other qualified professional determines that the site or geographic area encompassing the site is in a seismic zone other than zone 4.

The details of the findings used in reassigning a site to an alternate seismic zone shall be recorded and entered into the files of the Administrative Authority.

**19.90.030 - Administrative Provisions.** See U.C.B.C. appendix chapter 1, administrative provisions for definitions and rating classification of buildings. A building may be placed in a higher rating classification if it is determined by the building official to pose a hazard to an adjacent structure or a public way.

**a. Compliance Requirements.**

- (1) The owner of each building within the scope of this Chapter shall, upon service of an order and within the time limits set forth in this Chapter, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in this section, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

### 19.90.030

- (2) The owner of a building within the scope of this Chapter shall comply with the requirements set forth above by submitting to the building official for review within the stated time limits:
    - (i) Within 270 days after service of the order, a structural analysis, which is subject to approval by the building official, and which shall demonstrate that the building meets the minimum requirements of this Chapter; or
    - (ii) Within 270 days after service of the order, the structural analysis and plans for structural alterations of the building to comply with this Chapter; or
    - (iii) Within 120 days after service of the order, plans for the installation of wall anchors in accordance with the requirements specified in Section A111(c)2 of the U.C.B.C.; or
    - (iv) Within 270 days after service of the order, plans for the demolition of the building.
  - (3) After plans are submitted and approved by the building official, the owner shall obtain a building permit and then commence and complete the required construction or demolition within the time limits set forth in Table No. 9B. These time limits shall begin to run from the date the order is served in accordance with Section 19.90.030 (c)2, except that the time limit to commence and complete structural alteration or demolition shall begin to run from the date the building permit is issued.
  - (4) Owners electing to comply with Item 2(iii) of this subsection are also required to comply with Items 2(ii) or 2(iv) of this subsection provided, however, that the 270-day period provided for in Item 2(ii) or 2(iv) and the time limits for obtaining a building permit and to complete structural alterations or building demolition set forth in Table No. 9B shall be extended in accordance with Table No. 9A. Each such extended time limit shall begin to run from the date the order is served in accordance with Section 19.90.030 (c), except that the time limit to commence structural alterations or demolition shall begin to run from the date the building permit is issued.
- b. **Historical Buildings.** Alterations or repairs to qualified historical buildings, as defined by Section 18955 of the Health and Safety Code of the State of California and as regulated by Sections 18950 to 18961 of that Code, as designated on official national, state, or local registers or inventories shall comply with the State Historical Building Code (California Code of Regulations Title 24, Building Standards, Part 8), in addition to this chapter.
- c. **Administration.**
- (1) **Order - Service.**
    - (i) The building official shall, in accordance with the priorities set forth in Table No. 9A, issue an order as provided in this section to the owner of each building within the scope of this Chapter.

- (ii) Prior to the service of an order as set forth in Table No. 9A, a bulletin may be issued to the owner as shown upon last equalized assessment roll or to the person in apparent charge or control of a building considered by the building official to be within the scope of this Chapter. The bulletin may contain information the building official deems appropriate. The bulletin may be issued by mail or in person.
- (2) **Order - Priority of Service.** Priorities for the service of the order for buildings within the scope of this Chapter shall be in accordance with the rating classification as shown on Table No. 9A. Within each separate rating classification, the priority of the order shall normally be based upon the occupant load of the building. The owners of the buildings housing the largest occupant loads shall be served first. The minimum time period prior to the service of the order as shown on Table No. 9A shall be measured from the effective date of this Chapter. The building official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this Chapter prior to the normal service date for such building set forth in this Chapter.
- (3) **Order - Contents.** The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the building official to be within the scope of this Chapter and, therefore, is required to meet the minimum seismic standards of this Chapter. The order shall specify the rating classification of the building and shall be accompanied by a copy of Section 19.90.030 (a), which sets forth the owner's alternatives and time limits for compliance.
- (4) **Appeal from Order.** The owner of the building may appeal the building official's initial determination that the building is within the scope of this Chapter to the Board of Construction Appeals established by Section 19.01.130 of this Title. Such appeal shall be filed with the Board within 60 days from the service date of the order described in Section 19.90.030 (c)3. Any such appeal shall be decided by the Board no later than 90 days after filing and the grounds thereof shall be stated clearly and concisely. Appeals or requests for modifications from any other determinations, orders or actions by the building official pursuant to this Chapter shall be made in accordance with the procedures established in Section 19.01.140 of this title.
- (5) **Recordation.** The building official shall, within 30 days of the effective date of this Chapter, file with the office of the county recorder a certificate stating that the subject building is within the scope of this Chapter and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been notified of the requirements contained within this Chapter.

### 19.90.030

If the building is either demolished, found not to be within the scope of this Chapter, or is structurally capable of resisting minimum seismic forces required by this Chapter as a result of structural alterations or an analysis, the building official shall file with the office of the county recorder a form terminating the status of the subject building as being classified within the scope of this Chapter.

- (6) **Enforcement.** If the owner in charge or control of the subject building fails to comply with any order issued by the building official pursuant to this Chapter within any of the time limits set forth in Section 19.90.030 (a), the building official shall verify that the record owner of this building has been properly served. If the order has been served on the record owner, then the building official shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within 90 days after the date the building has been ordered vacated or such additional time as may have been granted by the Board of Appeals, the building official may order its demolition in accordance with the provisions of Section 203 of the Uniform Administrative Code.

**TABLE No. 9A**  
**EXTENSIONS OF TIME AND SERVICE PRIORITIES**

<b>Rating Classification</b>	<b>Occupant Load</b>	<b>Extension of Time if Wall Anchors Are Installed</b>	<b>Periods for Service of Order</b>
(Highest Priority) I	1 or more	N/A	N/A
II	100 or more	1 years	2½ years
III-A	100 or more	1 years	3 years
III-B	More than 50 Less than 100	1 years	4 years
III-C	More than 19 Less than 51	1 years	5 years
IV (Lowest Priority)	Less than 20	1 years	6 years

**TABLE NO. 9B  
TIME LIMITS FOR COMPLIANCE**

Required action By Owner	Obtain Building Permit Within	Commence Construction Within	Complete Construction Within
Structural Alteration or Building Demolition	1 year <sup>2</sup>	180 days <sup>1</sup>	3 years <sup>2</sup>
Wall Anchors	180 days <sup>2</sup>	270 days <sup>2</sup>	1 years <sup>2</sup>

<sup>1</sup> Measured from date of building permit issuance.

<sup>2</sup> Measured from date of service of order.

[Amended 1992, Ord. 2543]